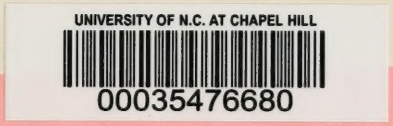
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STATE OF NORTH CAROLINA

1947

SESSION LAWS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

TUESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1947

PUBLISHED BY AUTHORITY

OFFICIAL REGISTER FOR 1947-1949

LEGISLATIVE DEPARTMENT

L. Y. Ballentine	President of the Senate	Wake
Thomas J. Pearsall	Speaker of House of Representatives	Nash

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*Forrest H. Shuford	Commissioner of Labor	Guilford
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* Constitute Council of State (The Attorney-General is the legal adviser to the Executive Department).

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E. B. Denny	Associate Justice	*Raleigh
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Dillard S. Gardner	Marshal	Raleigh
Adrian J. Newton	Clerk	Raleigh
John M. Strong	Reporter	Raleigh

* Official (not legal) residence.

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Felix E. Alley	Twentieth District	Waynesville
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Luther Hamilton	Morehead City
Hubert E. Olive	Lexington
George B. Patton	Franklin

401.42

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H. A. GRADY	New Bern

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CHARLES T. HAGAN, JR.	Twelfth District	Greensboro
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C. B. DEANE	Eighth District	Rockingham
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HAMILTON C. JONES	Tenth District	Charlotte
A. L. BULWINKLE	Eleventh District	Gastonia
MONROE M. REDDEN	Twelfth District	Hendersonville

GENERAL ASSEMBLY, 1947

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Joe L. Blythe	President pro tem	Mecklenburg
S. Ray Byerly	Principal Clerk	Lee
Robert Rasberry	Reading Clerk	Pitt
Herman Scott	Sergeant-at-arms	Chatham

SENATORS

District	Name	County	Address
1	Chas. H. Jenkins	Bertie	Aulander
1	Lorimer W. Midgett	Pasquotank	Elizabeth City
2	Hugh G. Horton	Martin	Williamston
2	John C. Rodman	Beaufort	Washington
3	W. W. White	Vance	Manson
4	Julian Allsbrook	Halifax	Roanoke Rapids
4	L. H. Fountain	Edgecombe	Tarboro
5	Arthur B. Corey	Pitt	Greenville
6	Willie Lee Lumpkin	Franklin	Louisburg
6	O. B. Moss	Nash	Spring Hope
7	D. L. Ward	Craven	New Bern
7	R. A. Whitaker	Lenoir	Kinston
8	Thomas O'Berry	Wayne	Goldsboro
8	Lawrence H. Wallace	Johnston	Smithfield
9	Rivers D. Johnson	Duplin	Warsaw
9	Alton A. Lennon	New Hanover	Wilmington
10	Rudolph I. Mintz	Brunswick	Southport
10	Junius K. Powell	Columbus	Whiteville
11	Henry A. McKinnon	Robeson	Lumberton
12	L. M. Chaffin	Harnett	Lillington
12	Wilbur H. Currie	Moore	Carthage
13	Wade Barber	Chatham	Pittsboro
13	R. N. Simms, Jr.	Wake	Raleigh
14	Claude Currie	Durham	Durham
14	John S. Watkins	Granville	Oxford
15	S. M. Bason	Caswell	Yanceyville
16	James Webb	Orange	Hillsboro
17	George T. Penny	Guilford	Greensboro
18	Garland S. Garriss	Montgomery	Troy
18	John W. Cole	Richmond	Rockingham
19	O. L. Richardson	Union	Monroe
19	W. Erskine Smith	Stanly	Albemarle
20	Joe L. Blythe	Mecklenburg	Charlotte
21	Luther E. Barnhardt	Cabarrus	Concord
21	John C. Kesler	Rowan	Salisbury
22	Gordon Gray	Forsyth	Winston-Salem
23	R. Posey Jones	Surry	Mount Airy
24	Lafayette Williams (R)	Yadkin	Yadkinville
25	John R. McLaughlin	Iredell	Statesville
25	Sheldon M. Roper	Lincoln	Lincolnton
26	R. Grady Rankin	Gaston	Gastonia
27	W. W. Neal	McDowell	Marion
27	Lee B. Weathers	Cleveland	Shelby
28	Mrs. R. S. Ferguson	Alexander	Taylorsville
29	Wade E. Brown	Watauga	Boone
30	Roy A. Harmon (R)	Avery	Elk Park
31	Frank M. Parker	Buncombe	Asheville
32	Verne P. Clement	Transylvania	Brevard
32	William Medford	Haywood	Waynesville
33	Baxter C. Jones	Swain	Bryson City

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NAME	COUNTY
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MRS. ANNIE E. COOPER, *Principal Clerk*	Raleigh, Wake County
RALPH MONGER, JR., *Reading Clerk*	Sanford, Lee County
H. L. JOYNER, *Sergeant-at-Arms*	Jackson, Northampton County

REPRESENTATIVES

NAME		POST OFFICE	COUNTY
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M. L. GWALTNEY	(D)	Taylorsville	Alexander
C. W. ERVIN	(D)	Sparta	Alleghany
U. B. BLALOCK	(D)	Wadesboro	Anson
J. O. BLEVINS	(D)	Lansing	Ashe
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OSCAR G. BARKER	(D)	Durham	Durham
DAN K. EDWARDS	(D)	Durham	Durham
BEN E. FOUNTAIN	(D)	Rocky Mount	Edgecombe
WINFIELD BLACKWELL	(D)	Winston-Salem	Forsyth
REX GASS	(D)	Winston-Salem	Forsyth
JAMES M. HAYES, JR.	(D)	Winston-Salem	Forsyth
E. H. MALONE	(D)	Louisburg	Franklin
DAVID P. DELLINGER	(D)	Cherryville	Gaston
W. P. GRIER	(D)	Gastonia	Gaston
CLARENCE P. HATHAWAY	(D)	Sunbury	Gates
RAY MCCLUNG	(D)	Robbinsville	Graham
F. W. HANCOCK, III	(D)	Oxford	Granville
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NAME	POST OFFICE	COUNTY
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JOHN W. UMSTEAD, JR. (D)	Chapel Hill	Orange
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KERR CRAIGE RAMSAY (D)	Salisbury	Rowan
GEORGE R. UZZELL (D)	Salisbury	Rowan
WOODROW W. JONES (D)	Rutherfordton	Rutherford
DEEMS H. CLIFTON (R)	Clinton	Sampson
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ENROLLING AND INDEXING DEPARTMENT

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CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

Preamble.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

The equality and inalienable rights of men.

Section 1. *The equality and rights of persons.* That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

Sec. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

Sec. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

That there is no right to secede.

Sec. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union

or to sever said Nation, ought to be resisted with the whole power of the State.

Paramount allegiance to the U. S. Government.

Sec. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt; bonds issued under ordinance of Convention of 1868, 1868-'69, 1869-'70 declared invalid.

Sec. 6. *Public debt; bonds issued under ordinance of Convention of* 1868, '68-'69, '69-'70, *declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people, and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose.

Exception.

Exclusive emoluments, etc.

Sec. 7. *Exclusive emoluments, etc.* No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

Sec. 8. *The legislative, executive, and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

Sec. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by an authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Election free.

Sec. 10. *Election free.* All elections ought to be free.

In criminal prosecutions.

Sec. 11. *In criminal prosecutions.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Answers to criminal charges.

Sec. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment or impeachement.

Right of trial by jury.

Sec. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Excessive bail.

Sec. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

General warrants.

Sec. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Imprisonment for debt.

Sec. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

No person taken, etc., but by law of the land.

Sec. 17. *No person taken, etc., but by law of the land.* No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property but by the law of the land.

Persons restrained of liberty.

Sec. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Controversies at law respecting property.

Sec. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

Freedom of the press.

Sec. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas corpus.

Sec. 21. *Habeas corpus.* The privileges of the writ of *habeas corpus* shall not be suspended.

Property qualification.

Sec. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Representation and taxation.

Sec. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any im-

post or duty without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the right to bear arms.

Sec. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together.

Sec. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Religious liberty.

Sec. 26. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

Sec. 27. *Education.* The people have the right to the privilege of education, and it is the ruty of the State to guard and maintain that right.

Elections should be frequent.

Sec. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

Sec. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

Sec. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Perpetuities, etc.

Sec. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Ex post facto laws.

Sec. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Slavery prohibited.

Sec. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

State boundaries.

Sec. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

Courts shall be open.

Sec. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Soldiers in time of peace.

Sec. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Other rights of the people.

Sec. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

Two branches.

Section 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

Time of assembling.

Sec. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Number of senators.

Sec. 3. *Number of senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for senators.

Sec. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to apportionment of representatives.

Sec. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by

the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Ratio of representation.

Sec. 6. *Ratio of representatives.* In making the apportionment in the Houes of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications for senators.

Sec. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications for representatives.

Sec. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Election of officers.

Sec. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

Powers in relation to divorce and alimony.

Sec. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, etc.

Sec. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rivhts of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

Sec. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Vacancies.

Sec. 13. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall

be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

Sec. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Entails.

Sec. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

Journals.

Sec. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

Sec. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the House.

Sec. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

President of the Senate.

Sec. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other senatorial officers.

Sec. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of the Governor.

Style of the acts.

Sec. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

Powers of the General Assembly.

Sec. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

Bills and resolutions to be read three times, etc.

Sec. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

Oath of members.

Sec. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation

that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Terms of office.

Sec. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Yeas and nays.

Sec. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

Sec. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

Pay of members and officers of the General Assembly.

Sec. 28. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers of the two houses shall be seven hundrer dollars each: *Provided,* that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days, the members and officers shall serve thereafter without pay.

Limitations upon power of General Assembly to enact private or special legislation.

Sec. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the

time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

Inviolability of sinking funds.

Sec. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

ARTICLE III

EXECUTIVE DEPARTMENT

Officers of the Executive Department.

Sec. 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided,* that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

Sec. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of election.

Sec. 3. *Returns of election.* The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Con-

tested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

Sec. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of Governor.

Sec. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

Sec. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in case of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports from officers of Executive Department and of public institutions.

Sec. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-chief.

Sec. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions of General Assembly.

Sec. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose appointments are not otherwise provided for.

Sec. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Duties of the Lieutenant-Governor.

Sec. 11. *Duties of the Lieutenant Governor.* The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

In case of impeachment of Governor, or vacancy caused by death or resignation.

Sec. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other executive officers.

Sec. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

Sec. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex-officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity

shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, ex-officio, the legal adviser of the executive department.

Compensation of executive officers.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall, at stated periods, receive for their services compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

Sec. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", and signed by the Governor, and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

Sec. 17. *Department of Agriculture, Immigration, and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Justice.

Sec. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

Section 1. *Abolishes the distinction between actions at law and suits in equity, and feigned issues.* The distinction between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

Feigned issues abolished.

Division of judicial powers.

Sec. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Trial court of impeachment.

Sec. 3. *Trial court of impeachement.* The Court for the Trial of Impeachements shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

Sec. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against the State.

Sec. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court.

Sec. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof. (By c. 16, 1937, amending s. 1403 of the Consolidated Statutes, the number of Associate Justices was increased to six.)

Terms of the Supreme Court.

Sec. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Jurisdiction of Supreme Court.

Sec. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdic-

tion of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the State.

Sec. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts for Superior Courts.

Sec. 10. *Judicial districts for Superior Courts.* The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. (Changed by acts of General Assembly to twenty-one districts.)

Residences of judges, rotation in judicial districts, and special terms.

Sec. 11. *Residences of judges, rotation in judicial districts, and special terms.* Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Jurisdiction of courts inferior to Supreme Court.

Sec. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when nec-

essary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver of trial by jury.

Sec. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in cities.

Sec. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Clerk of Supreme Court.

Sec. 15. *Clerk of the Supreme Court.* The clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Superior Court clerk.

Sec. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

Sec. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years.

Fees, salaries and emoluments.

Sec. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

What laws are, and shall be, in force.

Sec. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

Sec. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Justices of Supreme Court, election of.

Sec. 21. *Elections, terms of office, etc., of Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme

Term of office.

Judges of Superior Court, election of.

Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Courts.

Sec. 22. *Transactions of business in the Superior Court.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for each judicial district.

Sec. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereor, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of the solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

Sheriffs and coroners.

Sec. 24. *Sheriff's and Coroners.* In each county a sheriff and a coroner shall be elected by the qualified voters thereof as is prescribed for the members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In cases of a vacancy exxisting for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

Sec. 25. *Vacancies.* All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of first officers.

Sec. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election of members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of justices of the peace.

Sec. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file same with the clerk of the Superior Court for his county.

Vacancies in office of justices.

Sec. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of Superior Court Clerk.

Sec. 29. *Vacancies in office of Superior Court clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Officers of other courts inferior to Supreme Court.

Sec. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of judges of various courts for inability.

Sec. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of clerks of the various courts for inability.

Sec. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said court, the clerks of the Superior Courts by the Judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Amendments not to vacate existing offices.

Sec. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

Capitation tax.

Section 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Applications of proceeds of State and county capitation tax.

Sec. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

State taxation.

Sec. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided,* the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed

Taxes uniform as to each class of property taxed.

Exemptions.

other deductions (not including living expenses) so that only net incomes are taxed.

Limitations upon the increase of public debts.

Sec. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Property exempt from taxation.

Sec. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

Taxes levied for counties.

Sec. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed fifteen cents on the one

hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided,* this limitation shall not apply to taxes levied for the maintenance of public schools of the State for the term required by article nine, section three, of the Constitution: *Provided, further,* the State tax shall not exceed five cents on the one hundred dollars value of property.

Acts levying taxes shall state objects, etc.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Who may vote.

SECTION 1. *Who may vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided. (The 19th amendment to the United States Constitution, ratified Aug. 6, 1920, provided that the "right of citizens of the United States to vote shall not be denied or abridged by he United States or by any state on account of sex." North Carolina accordingly by c. 18, Extra Session 1920, provided for the registration and voting of women.)

Qualifications of voters.

Sec. 2. *Qualifications of voters.* He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding the election: *Provided,* that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Voters to be registered.

Sec. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly to provide registration laws.

Qualifications for registration.

Sec. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall

be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided,* he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people of this State, unless disqualified under section 2 of this article.

Registration of persons entitled to vote without educational qualifications.

Permanent record.

Sec. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Amendment indivisible.

Sec. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

Elections by people and General Assembly.

Sec. 7. *Eligibility to office; official oath.* Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

Eligibility to office; official oath.

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as..... So help me, God."

Sec. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *First,* all persons who shall deny the being of Almighty God. *Second,* all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Disqualification for office.

Sec. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

When this chapter operative.

ARTICLE VII

MUNICIPAL CORPORATIONS

Section 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the elec-

County officers.

tion of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

Duty of county commissioners.

Sec. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the boarr of commissioners.

Counties to be divided into districts.

Sec. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Townships have corporate powers.

Sec. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Officers of townships.

Sec. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

Trustees shall assess property.

Sec. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio,* treasurer of the township.

No debt or loan except by a majority of voters.

Sec. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Drawing of money.

Sec. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law.

When officers enter on duty.

Sec. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint justices.

Sec. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

Charters to remain in force until legally changed.

Sec. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

Sec. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.

Powers of General Assembly over municipal corporations.

Sec. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under the general authority of this section several statutory amendments have been made. See notes supra, ss. 1 and 5.)

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Restrictions of legislative powers as to corporations.

Section 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

Organization of corporations.

Debts of corporations, how secured.

Sec. 2. *Debits of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

What corporations shall include.

Sec. 3. *What corporations shall include.* The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

Sec. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

Education shall be encouraged.

Section 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

Sec. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Separation of races.

Counties to be divided into districts.

Sec. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

Sec. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devices that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County school fund.

Sec. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for

exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction. Proviso.

Election of trustees and provisions for maintenance of the University.

Sec. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

Sec. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, or far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Creation of State Board of Education.

Sec. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two Members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board

Membership.

Confirmation of appointive members.

Appointment and terms of members.

Vacancy appointments.

Quorum at meetings.

Compensation of appointive members.

shall elect a chairman and vice chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

Powers and duties of State Board of Education.

Sec. 9. *Powers and Duties of the Board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this constitution and subject to such laws as may be enacted from time to time by the General Assembly.

Exercise of powers in conformity with Constitution and Statutes.

Agricultural department.

Sec. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

Children must attend school.

Sec. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

Exemptions of personal property.

Section 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

Homestead.

Sec. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Homestead exemption from debt.

Sec. 3. *Homestead exemption from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

Laborer's lien.

Sec. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Benefit of widow.

Sec. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Property of married women secured to them.

Sec. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children.

Sec. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over the the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

How deed for homestead may be made.

Sec. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

Punishments.

Section 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz.: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson; *Provided,* that no convict whose labor may be farmed out shall be

Convict labor.

Proviso.

punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

Death punishment.

Sec. 2. *Death punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

Sec. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

Houses of correction.

Sec. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Houses of refuge.

Sec. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

The sexes to be separated.

Sec. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Provision for the poor and orphans.

Sec. 7. *Provision for the poor and orphans.* Beneficient provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

Sec. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

Inebriates and idiots.

Sec. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Deaf-mutes, blind, and insane.

Sec. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

Self-supporting.

Sec. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal

and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

Who are liable to militia duty.

Section 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided,* that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Proviso.

Organizing, etc.

Sec. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

Governor commander-in-chief.

Sec. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

Exemptions.

Sec. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

Convention, how called.

Section 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all of the members of each House of the General Assembly, and except the proposition, Convention or NO Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

Sec. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Indictments.

Section 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon

in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

Sec. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

Sec. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

Sec. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Governor to make appointments.

Sec. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Seat of government.

Sec. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh.

Holding office.

Sec. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided,* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Proviso.

Intermarriage of whites and negroes prohibited.

Sec. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.

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SESSION LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1947

H. B. 9 **CHAPTER 1**

AN ACT TO PERMIT THE TOWN OF NORTH WILKESBORO TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING THE FIRST METHODIST EPISCOPAL CHURCH OF NORTH WILKESBORO TO USE A PORTION OF A CERTAIN 15 FOOT ALLEY IN THE TOWN OF NORTH WILKESBORO FOR CHURCH PURPOSES.

The General Assembly of North Carolina do enact:

North Wilkesboro authorized to release interest in certain alley.

SECTION 1. The governing body of the Town of North Wilkesboro is hereby authorized and empowered to permit by resolution, ordinance, or other proceedings deemed advisable, or by such papers as may be necessary, to release all the interest of the Town of North Wilkesboro and the public generally in and to that portion of a certain 15 foot alley in the Town of North Wilkesboro extending southward from E Street 140 feet to a 20 foot alley running East and West, said portion of such 15 foot alley lying between the property on which the First Methodist Episcopal Church now stands and a block of lots designated as Numbers 14, 16 and 18, and now owned by the First Methodist Episcopal Church, for the purpose of permitting said First Methodist Episcopal Church to use said portion of such 15 foot alley for such church purposes as the governing board of said First Methodist Episcopal Church shall deem proper, and generally for its private purposes.

Alley described.

Purpose.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

H. B. 20 **CHAPTER 2**

AN ACT TO AMEND CHAPTER 127 OF THE PUBLIC-LOCAL LAWS OF 1935 RELATING TO TAX FORECLOSURE SUITS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 127, Sec. 3, Public-Local Laws, 1935, rewritten.

SECTION 1. That Section 3 of Chapter 127 of the Public-Local Laws of 1935 be and the same is hereby rewritten so that the same shall hereafter read as follows:

Alias or pluries summons in tax foreclosure suits, Clay County, time for issue extended.

SEC. 3. That in all tax foreclosure suits heretofore instituted in the County of Clay and which have not been terminated by final judgment in which alias or pluries summons may issue at any time within two years from the ratification of this Act, and when said alias or pluries summons are issued the chain of summons may be kept up as now prescribed by law. That the cost in said proceedings shall be the same as the cost prescribed by law at the time of the issuing of the original summons in said proceedings. That the cost in all tax foreclosure proceedings in the County of Clay instituted after the ratification of this Act shall be the same as now prescribed by law. That attorney's fees in tax foreclosure proceedings shall be fixed and paid as provided by the General Statutes of North Carolina.

Costs in tax foreclosure proceedings.

Attorney's fees.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

H. B. 11 **CHAPTER 3**

AN ACT TO REPEAL CHAPTER 216 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937.

Ch. 216, Public-Local Laws, 1937, (semble) repealed, relating to County Manager, Pender County.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 216 of the Public-Local and Private Laws of 1937 is hereby repealed in its entirety.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

H. B. 21 **CHAPTER 4**

AN ACT TO REPEAL CHAPTER 25 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE ABOLISHING OF TAX PENALTIES IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 25 of the Public-Local Laws of 1941 entitled, "An Act abolishing tax penalties in Clay County," be and the same is hereby repealed. Ch. 25, Public-Local Laws, 1941, abolishing tax penalties, Clay County, repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

H. B. 18 **CHAPTER 5**

AN ACT PROVIDING FOR REASSESSMENT OF PROPERTY FOR TAXATION IN CLAY COUNTY IN THE YEAR 1947.

WHEREAS, property has not been reassessed in Clay County since 1933: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Clay County are empowered, authorized and directed to cause to be made a revaluation, reassessment and listing of all real and personal property, subject to taxation, in Clay County for ad valorem tax purposes in the year 1947 and that all property, real and personal, be reassessed, revalued and listed in Clay County in said year. Reassessment of property for taxation, Clay County, provided for.

SEC. 2. That the Board of County Commissioners of Clay County at its regular meeting on the first Monday in February, 1947, shall appoint a tax supervisor, for the purpose of carrying out the reassessment and revaluation and listing as authorized and directed by this Act, or as soon thereafter as practicable. Appointment of Tax Supervisor.

SEC. 3. That the procedure, details, plans and methods of carrying out said revaluation, reassessment and listing of real and personal property, subject to taxation in Clay County, under this Act, together with the appointment of tax supervisor, list Procedure.

takers, assessors, personnel and board of equalization, under this Act shall be followed as found and set forth in Chapter 105, entitled, "Taxation," of the General Statutes of North Carolina.

Powers and duties of County Commissioners, tax supervisor, and others.

SEC. 4. That the board of county commissioners, tax supervisor, list takers, assessors, board of equalization and review, personnel and clerical assistants shall have and are hereby vested with all the power and authority and charged with all the duties given to and conferred upon such persons and boards on regular quadrennial assessment years as provided for and set forth in Chapter 105 of the General Statutes of North Carolina, and all amendments thereto, in the same manner as if this reassessment, revaluation and listing was being made and carried out on a regular quadrennial assessment year as provided for in said General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 6. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

S. B. 11 CHAPTER 6

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, PUBLIC SCHOOLS, AND AGENCIES, AND FOR THE SPECIFIC PURPOSE OF PROVIDING ADDITIONAL EMERGENCY SALARIES FOR PUBLIC SCHOOL TEACHERS AND OTHER STATE EMPLOYEES AND TO AMEND CHAPTER 279 OF 1945, THE SAME BEING THE GENERAL APPROPRIATIONS ACT FOR THE BIENNIUM 1945-47.

Preamble:

Cost of living increased since 1945.

WHEREAS, the cost of living has advanced considerably since the appropriations were made for salaries of public school teachers and other State employees by the Legislature of 1945; and

Purchasing power of teachers and State employees reduced; increase in State revenue.

WHEREAS, the same economic conditions, which have reduced the purchasing power of the salaries paid public school teachers and other State employees, have greatly increased the revenues of the State, thereby placing the State in a more favorable financial position than was contemplated, and

WHEREAS, the State has prospered because of increased business and inflated prices and public school teachers and other State employees have suffered because their salaries have not kept pace with the general increase in the cost of living: Now, therefore,

Effect of inflated prices on teachers and State employees.

The General Assembly of North Carolina do enact:

SECTION 1. That the Director of the Budget is authorized, empowered and directed to allocate out of the General Fund, Agriculture Fund, the State Highway and Public Works Fund, and other special operating funds employing personnel, the amounts sufficient to provide additional emergency bonus for services rendered and to be performed.

Allocation of State funds for emergency bonus.

SEC. 2. That the appropriations authorized herein are for the specific purpose of providing an additional emergency bonus for public school teachers and other State employees, and shall be applied to the salaries of public school teachers and other State employees only as provided in the following schedule:

Appropriations for emergency bonus for teachers and State employees.

Schedule of bonus payments:

Annual Salaries up to and including one thousand and two hundred dollars ($1,200.00)—the total sum of one hundred and forty-four dollars ($144.00).

On annual salaries up to $1200.

Annual salaries one thousand two hundred and one dollars ($1,201.00) to one thousand three hundred and eighty dollars ($1,380.00)—the total sum of one hundred and sixty-two dollars ($162.00).

On salaries, $1201 to $1380.

Annual salaries one thousand three hundred and eighty-one dollars ($1,381.00) to one thousand five hundred and sixty dollars ($1,560.00)—the total sum of one hundred and eighty dollars ($180.00).

On salaries, $1381 to $1560.

Annual salaries one thousand five hundred and sixty-one dollars ($1,561.00) to one thousand seven hundred and forty dollars ($1,740.00)—the total sum of one hundred and ninety-eight dollars ($198.00).

On salaries, $1561 to $1740.

Annual salaries one thousand seven hundred and forty-one dollars ($1,741.00) to one thousand nine hundred and twenty dollars ($1,920.00)—the total sum of two hundred and sixteen dollars ($216.00).

On salaries, $1741 to $1920.

Annual salaries one thousand nine hundred and twenty-one dollars ($1,921.00) to two thousand and one hundred dollars ($2,100.00)—the total sum of two hundred and thirty-four dollars ($234.00).

On salaries, $1921 to $2100.

Annual salaries two thousand one hundred and one dollars ($2,101.00) to two thousand and four hundred dollars ($2,400.00)—the total sum of two hundred and forty-six dollars ($246.00).

On salaries, $2101 to $2400.

On salaries, $2401 to $2700.

Annual salaries two thousand four hundred and one dollars ($2,401.00) to two thousand and seven hundred dollars ($2,700.00)—the total sum of two hundred and fifty-eight dollars ($258.00).

On salaries, $2701 to $6,600.

Annual salaries two thousand seven hundred and one dollars ($2,701.00) to six thousand and six hundred dollars ($6,600.00)—the total sum of two hundred and seventy dollars ($270.00).

Period of employment for qualification for bonus.

The emergency bonus herein provided for shall be payable to all teachers and State employees who were in the employ of the State on November 1st, 1946, and who have continued in such employment until February 25th, 1947, as follows:

Time of payments.

One-half of the total of said emergency bonus at the time of the issuance of the regular salary checks during the month of February, 1947, and the remaining one-half of said emergency bonus shall be prorated according to the number of the regular monthly salary checks issued to such teachers and State employees for the remainder of the period ending June 30th, 1947; provided, however, that any teacher or State employee entering the employment of the State between the period beginning November 1st, 1946, and ending February 25th, 1947, shall receive the proratable portion of the first one-half of the total of said emergency bonus herein provided for at the time of the issuance of the regular February salary check to such teacher or State employee and thereafter shall be paid as above provided.

Effect on teachers and State employees entering employment between Nov. 1, 1946 and Feb. 25, 1947.

Bonus not applicable to part-time or temporary employees, and others.

SEC. 3. That this emergency bonus shall not apply to persons employed on a part-time or temporary basis in departments, institutions, agencies, public schools, or to persons employed in institutional summer schools. Deductions shall not be made from this emergency bonus under the provisions of Chapter 25 of 1941, "Teachers' and State Employees' Retirement System Act," Section 8, Sub-Section (1), Sub-Section (a) and Sub-Section (5), Sub-Section (1), Sub-Section (a).

Retirement Act deductions prohibited.

Bonus not applicable to certain operations.

This emergency bonus shall not apply to operations performed solely for the Army or Navy, or other organizations or operations solely for profit, except the cost be provided by the sponsors or out of increased receipts. Special funds operated out of Federal or private funds may secure the benefit of the emergency bonus plan, provided funds are furnished by the sponsor.

Bonus plan where special funds involved.

Equalization of bonus payments.

"Provided, that public school teachers and other public school employees and teachers and other employees of other educational institutions paid by the State shall receive the same amount of emergency bonus annually or semi-annually as other State employees in the same salary brackets, such emergency bonus payments for teachers and other school employees to be paid in

installments apportioned to the salaries or wages of such teachers and other school employees in accordance with the methods of payment regularly employed in the payment of such salaries or wages.

Installment payments.

Provided further, that a regular teacher or other regular State employee who works less than the full period for which said emergency bonus is prescribed shall receive only such proportionate part of said emergency bonus as the period of service of such teacher or other employee is of the total period for which said emergency salary is prescribed."

Pro-rata payments for regular teachers or employees working less than full period.

SEC. 4. That Section 6 of Chapter 279 of 1945, the General Appropriation Act for the biennium 1945, relating to travel expenses of State employees and officials is hereby amended by striking out all of paragraph (2) and substituting in lieu thereof the following paragraph:

Sec. 6, Ch. 279, Session Laws, 1945, amended.

For Subsistence—hotel and meals not to exceed six dollars ($6.00) per day; for out of State travel when authorized, actual expenses not to exceed eight dollars ($8.00) per day; for transportation, using personally owned automobile, six cents (6c) per mile of travel; for bus, railroad, pullman, or other public conveyance, actual fare.

Subsistence per diem and travel expenses increased.

SEC. 5. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 28th day of January, 1947.

H. B. 5 CHAPTER 7

AN ACT TO PERMIT CITIES AND TOWNS IN NORTH CAROLINA TO PROVIDE FOR A SYSTEM OF PARKING METERS DESIGNED TO PROMOTE TRAFFIC REGULATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 160, Section 200, Sub-Section 31, of the General Statutes of North Carolina by changing the semi-colon in line 17 of the second paragraph of said sub-section to a period, and by striking out the following:

G. S. § 160-200 (31), relating to parking meter systems, amended.

"provided this paragraph shall not apply to cities or towns in North Carolina having populations of twenty thousand or less, as determined by the last Federal census."

Second paragraph, sub-sec. 31, not applicable to municipalities of 20,000 or less.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Public interest declared.

SEC. 3. The public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of January, 1947.

H. B. 3 CHAPTER 8

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAITH IN ROWAN COUNTY, LIMITING THE AD VALOREM AND POLL TAXES TO BE LEVIED IN SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 363, Sec. 16, Private Laws, 1903, limiting ad valorem and poll taxes, Town of Faith, amended.

SECTION 1. Amend Section 16, Chapter 363 of the Private Laws of 1903 by striking out the words "twenty-five cents (25c)" in line three of said Section and inserting in lieu thereof the words "one dollar ($1.00)."

Amend said Section further by striking out the words "seventy-five cents (75c)" in line eight of said Section and inserting in lieu thereof the words "one dollar ($1.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 30th day of January, 1947.

S. B. 26 CHAPTER 9

AN ACT TO PROVIDE FOR THE ELECTION OF A MAYOR BY THE PEOPLE IN THE TOWN OF GRIFTON, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 151, Sec. 2, Private Laws, 1895, as amended, further amended.

SECTION 1. That Section 2 of Chapter 151 of the Private Laws of North Carolina of 1895, as amended by Chapter 819 of the Session Laws of North Carolina of 1945, is further amended by striking out the entire section and inserting in lieu thereof the following:

Town of Grifton, control by mayor and five commissioners.

SEC. 2. That the municipal affairs of said town shall be controlled by a mayor and five commissioners; that the said five commissioners shall be known as the Board of Commissioners

of Grifton; and that said commissioners and mayor shall be elected at an election to be held on the first Monday in May, 1947, and on the same day every year thereafter. In case of vacancies occurring on said board of commissioners, from any cause, the said board shall fill the same by an election among themselves.

Elections.

Vacancies filled.

SEC. 2. That Section 3 of Chapter 151 of the Private Laws of North Carolina of 1895, as amended by Chapter 819 of the Session Laws of North Carolina of 1945 is hereby further amended by striking out the entire Section and inserting in lieu thereof the following:

Sec. 3, idem, rewritten.

SEC. 3. That the mayor shall preside at the meetings of the board of commissioners, but shall not be entitled to vote except in case of a tie, when he shall give the deciding vote. In the absence of the mayor, the board of commissioners shall elect one of their own members mayor pro tempore, who shall be allowed to vote as a commissioner, and also the casting vote in case of a tie.

Mayor—presiding officer; right to vote.

Mayor pro tem; right to vote.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

S. B. 71

CHAPTER 10

AN ACT TO APPOINT A COUNTY AUDITOR FOR THE COUNTY OF COLUMBUS AND TO DEFINE HIS DUTIES.

Preamble:

WHEREAS, the County of Columbus now has no county auditor; and

Columbus County without auditor.

WHEREAS, the Board of Commissioners of Columbus County at a meeting duly held on January 25th, 1947, adopted a resolution requesting that the General Assembly appoint W. D. Brooks of Whiteville as County Auditor for Columbus County; and

Appointment of Auditor requested by County Commissioners.

WHEREAS, in said resolution the Board of Commissioners of Columbus County requested that certain additional duties be imposed on the County Auditor of Columbus County; and

Additional duties requested for Auditor.

WHEREAS, the Board of Commissioners of Columbus County requested that it be authorized to fix the term of office and the salary of the County Auditor of Columbus County: Now, therefore,

Authority to fix term and salary requested.

The General Assembly of North Carolina do enact:

Additional duties prescribed for Auditor, Columbus County.

SECTION 1. The County Auditor of Columbus County shall, in addition to the duties now imposed upon him by law, perform the following duties and services and the same are hereby made a part of the duties of the County Auditor of Columbus County:

Duty as to tax listings by mail.

(1) Accept or reject, in his discretion, tax listings submitted by mail;

Supervision of list takers.

(2) Examine the tax abstracts turned in by list takers and refuse to approve payment of compensation to any list taker who has not properly performed his duties;

Duty with respect to property not listed for taxes.

(3) Be constantly looking out for property or polls that have not been listed for taxation, and take such action as may be necessary to get any omitted property or poll on the tax lists;

Examination of prior lists; duty.

(4) Examine tax lists for the previous years and carry forward on the tax lists such property listed for the preceding year as has not been listed for the current year;

Listing discovered property.

(5) List discovered property as provided in paragraph (2) of G. S. 105-331;

Reports to State Assessment Board.

(6) Make the reports required by G. S. 105-335 to the State Board of Assessment;

Collection of taxes; other duties.

(7) Collect the taxes levied by the Board of Commissioners of Columbus County and perform all of the duties imposed upon the person collecting county taxes by Article 27 of Chapter 105 of the General Statutes, and the duties imposed on the person collecting county taxes by said Article 27 of Chapter 105 of the General Statutes are hereby made a part of the duties of said auditor;

Purchases for County departments and agencies.

(8) Make such purchases for the various departments and agencies of the County of Columbus as the board of commissioners may require;

Supervision of County Home and Farm.

(9) Supervise the operation and maintenance of the county home and the county farm of Columbus County.

Bond.

Before entering upon the performance of any of the duties herein imposed upon him, the County Auditor of Columbus County shall give bond in such amount and upon such conditions as the Board of Commissioners of Columbus County may require.

Payment of premiums.

The premiums of the bond required of the county auditor by the Board of Commissioners of Columbus County shall be paid by said board from county funds.

W. D. Brooks appointed Auditor, Columbus County.

SEC. 2. W. D. Brooks of Whiteville, Columbus County, is hereby appointed County Auditor of Columbus County to perform all of the duties herein specified, and he shall serve for such time as the Board of Commissioners of Columbus County

shall determine and until his successor is appointed and qualified. Hereafter the County Auditor of Columbus County shall be appointed by the Board of Commissioners of Columbus County for such term as said board may deem fit and proper.

Term.

The County Auditor of Columbus County shall receive for the performance of his duties such compensation and expense allowance as the Board of Commissioners of Columbus County, in its discretion, shall authorize. Such compensation and expense allowance may be increased or decreased from time to time as the Board of Commissioners of Columbus County may deem just and proper.

Salary and expense allowance.

SEC. 3. It is the intent and purpose of this Act merely to impose additional duties upon the County Auditor of Columbus County and not to require the incumbent of one public office to also fill another public office.

Intent of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. An existing emergency and the public necessity require that this Act shall become, and it shall become, effective on February 4th, 1947.

Emergency declared.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 27 **CHAPTER 11**

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE TOWN OF SYLVA NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshals or other officers or employees of the town of Sylva, except that the mayor and the members of the board of aldermen shall be qualified voters of the municipality.

G. S. § 160-25, made inapplicable to certain officers and employees of Town of Sylva.

Qualifications of Mayor and Board members.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 31 CHAPTER 12

AN ACT TO FIX THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 14-335(1), as amended, fixing punishment for public drunkenness, amended as to Avery County.

SECTION 1. That Subsection 1 of Section 14-335 of the General Statutes relating to the punishment for public drunkenness, as amended by Chapters 215 and 254 of the Session Laws of 1945, be, and the same is hereby amended by striking out the word "Avery" in line three of said Subsection.

Punishment fixed for public drunkenness in Avery County.

SEC. 2. That Section 14-335 of the General Statutes be, and the same is hereby, amended by adding a new Subsection to read as follows:

Any person convicted of public drunkenness in Avery County shall be punished as follows:

First offense.

(a) For the first offense a fine of not less than ten dollars ($10.00) nor more than twenty dollars ($20.00), or imprisonment for not more than thirty days;

Second offense.

(b) For the second offense a fine of not less than twenty dollars ($20.00) nor more than thirty dollars ($30.00), or imprisonment for not more than thirty days;

Third offense.

(c) For the third or subsequent offense a fine of not less than forty dollars ($40.00) nor more than fifty dollars ($50.00), or imprisonment for not more than thirty days;

Suspended judgments, fines less than minimums, prohibited.

No court shall have the power or authority to suspend judgment or to impose fines or penalties in an amount or in the period of time less than the minimum amounts and time herein prescribed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 37 **CHAPTER 13**

AN ACT TO AMEND CHAPTER 234 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF THE SESSION OF 1935 ADJUSTING THE VOTING POWERS OF MEMBERS OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN ALL MATTERS WHERE THE CITY COUNCIL AND THE BOARD OF COUNTY COMMISSIONERS ACT JOINTLY.

The General Assembly of North Carolina do enact:

Ch. 234, Public-Local Laws (semble), 1935, amended, as to voting powers, Charlotte City Council, in joint action with County Commissioners.

SECTION 1. That Section 1 of Chapter 234 of the Public-Local and Private Laws of 1935 be amended by inserting in the last clause thereof the word "seven" in lieu of "eleven" and "sevenths" in lieu of "eleventh."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 48 **CHAPTER 14**

AN ACT PLACING THE COMMISSIONER OF PUBLIC INSTITUTIONS AND THE COMMISSIONER OF PUBLIC HIGHWAYS OF BUNCOMBE COUNTY, NORTH CAROLINA, ON A PER DIEM BASIS.

The General Assembly of North Carolina do enact:

Compensation of Commissioner of Public Institutions and Commissioner of Public Highways, Buncombe County.

SECTION 1. That from and after the termination of the present term of office of the Commissioner of Public Institutions and the Commissioner of Public Highways of Buncombe County, North Carolina, the successor to each of said officers shall perform his duties and be compensated on a per diem basis and shall receive ten dollars ($10.00) for each meeting of the board of county commissioners which he attends, for a maximum of not more than 75 meetings per year, in lieu of any other salary or compensation. Said compensation shall be paid in monthly installments.

Incumbents authorized to change to per diem basis.

SEC. 2. That the incumbent Commissioner of Public Institutions or the incumbent Commissioner of Public Highways of Buncombe County, North Carolina, may at his option at any time within 30 days after the effective date of this Act change from the present full time basis of office holding to the per diem

basis specified in Section 1 of this Act by notifying in writing the Chairman of the Board of County Commissioners of Buncombe County, North Carolina, to the effect that he elects to make said change, and such commissioner shall then perform his duties and receive compensation as set forth in Section 1 above.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Public interest declared.

SEC. 4. That the public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 49 **CHAPTER 15**

AN ACT TO AMEND CHAPTER 526 OF THE SESSION LAWS OF 1945 SO AS TO EXTEND THE PROVISIONS OF THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

Ch. 526, Sec. 9, Session Laws, 1945, amended, striking out City of Henderson.

SECTION 1. Amend Section 9 of Chapter 526 of the Session Laws of 1945 by striking out the words "or the City of Henderson," as the same appear in the third and fourth lines of said Section.

G. S., Ch. 128, Art. 3, establishing Local Governmental Employees Retirement System, made applicable to City of Henderson.

SEC. 2. Notwithstanding any other provision of law, the provisions of Article 3 of Chapter 128 of the General Statutes of North Carolina, as amended, establishing the North Carolina Local Governmental Employees' Retirement System, shall be construed as being applicable and the same is hereby made applicable to the City of Henderson.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 4. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 60 **CHAPTER 16**

AN ACT TO AMEND CHAPTER 669 OF THE SESSION LAWS OF 1943 RELATING TO THE RETIREMENT SYSTEM FOR THE EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The first paragraph of Section 8 of Chapter 669 of the Session Laws of 1943 be, and the same is hereby amended by striking out the following language in the third and fourth lines thereof: "those for whom a retirement system has been established by the laws of North Carolina, and."

Ch. 669, Sec. 8, Session Laws, 1943, relating to employees retirement system, New Hanover County, amended.

SEC. 2. Section 8 of Chapter 669 of the Session Laws of 1943 be, and the same is hereby amended by adding a new paragraph thereto to read as follows:

Sec. 8, further amended; period extended for qualifying under retirement system.

Any county employee, otherwise qualified but who has heretofore been ineligible to participate in the benefits of this Act, may, within the period of one year from the date of ratification hereof, be permitted to come within its provisions by signifying his desire to do so in writing to the board of trustees and by paying into the fund such contributions as are required by this Act for persons heretofore eligible for benefits plus three per cent (3%) thereon.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 62 **CHAPTER 17**

AN ACT RELIEVING THE SHERIFF OF THE DUTIES OF COLLECTION OF TAXES AND IMPOSING THE SAME UPON THE COUNTY AUDITOR OF JACKSON COUNTY AND FIXING THE SALARIES OF CERTAIN COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Jackson County is hereby authorized, empowered, and directed, not later than October 1st, 1947, to relieve the Sheriff of Jackson County from the duties and responsibility of the collection of taxes,

Commissioners, Jackson County, directed to relieve Sheriff of tax collecting duties.

licenses, fees, penalties, and other revenues and to impose such duties and responsibilities upon the county accountant.

Tax collecting department in office of County Accountant directed.

SEC. 2. On or before said first day of October, 1947, the county commissioners shall set up within the office of the county accountant a tax collecting department, and the said county accountant shall perform all the duties now required of the sheriff of the county in the collection of taxes and shall be vested with the same power and authority and subject to the same penalties and conditions as are now applicable to sheriffs in the collection of taxes, licenses, fees, penalties and other revenues. The said county accountant, in addition to the duties herein imposed upon him to collect taxes, shall also perform all the duties in connection with the listing and the preparation of the tax books, and set up a card index or tax record of each taxpayer, all under the supervision of the finance commissioner. The said county accountant as tax collector shall give a tax collector's bond in the sum of twenty-five thousand dollars ($25,000.00) for the faithful performance of his duties as tax collector, the premium on said bond to be paid by the county.

Powers and duties of County Accountant.

Bond.

Collection of 1946 taxes by former sheriff.

SEC. 3. The former sheriff whose term of office expired on the first Monday of December, 1946, and to whom has been turned over for collection the 1946 taxes, shall retain the same and continue to collect said taxes on the terms and conditions fixed by the board of county commissioners, and shall give such bond as may be required of him by said board. All 1947 and subsequent and prior years' taxes, except 1946, shall be collected by the county accountant as tax collector and all future payments of delinquent taxes on which foreclosure proceedings have been instituted in the office of the clerk of the superior court shall be made to the tax collector and the judgments taken shall be cancelled by the clerk upon a certificate from the tax collector that they have been paid; and in all future foreclosures, the tax collector shall retain the tax receipts and shall make all collections thereon.

Collection of taxes, other years, by Accountant.

Foreclosure proceedings.

Sheriff relieved of tax collection duties; exception.

SEC. 4. Upon the transfer of the collection of taxes to the county accountant, the Sheriff of Jackson County shall thereupon be relieved from any and all duties devolving upon him to collect taxes, fees, licenses, and other revenues, except 1946 taxes.

Salary of County Accountant for tax collecting.

SEC. 5. The county accountant shall be paid a salary of not less than one thousand and five hundred dollars ($1,500.00) per year for the performance of all the duties of his office, including those of collecting taxes as herein provided; and his assistant shall be paid a salary of not less than one thousand dollars ($1,000.00) per year, each of such salaries to be paid in twelve (12) equal monthly installments.

Assistant's salary.

Reimbursement of general fund for salaries and expenses.

SEC. 6. That for the purpose of reimbursing the general fund of Jackson County for the salaries of the tax collector and his assistant and for other expenses of his office, the board of county commissioners may authorize four per centum (4%) of the collection of taxes levied for all purposes by said board to be deducted therefrom, which sums so deducted shall be credited to the county general fund.

Register of Deeds directed to advise Auditor of real estate transfers.

SEC. 7. The Register of Deeds of Jackson County shall keep a daily record of all transfers of real property, including the names of the grantors, the grantees, the acreage, the valuation, and the township, and shall furnish the county auditor as tax collector a monthly copy thereof; and for this service he shall be paid the sum of three hundred dollars ($300.00) per annum.

Compensation.

Salary of Sheriff.

SEC. 8. Effective as of January 1st, 1947, the Sheriff of Jackson County shall be paid annual salary of three thousand and six hundred dollars ($3,600.00) by the county, payable in equal monthly installments and which shall be in lieu of all fees, commissions, and allowances now provided by law; but all such fees, commissions, and allowances shall be collected by him and turned over to the finance commissioner to go into the general fund of the county. The sheriff shall receive one thousand dollars ($1,000.00) per year for traveling expenses in the county, and in addition shall be paid five cents (5c) per mile traveled outside the county on official business when approved by the county commissioners. The sheriff shall continue to perform all the duties now required of him by law, except those of tax collector.

Traveling expenses.

Duties of Sheriff.

Appointment of deputy sheriff as jailor; compensation.

SEC. 9. The sheriff shall appoint one deputy who shall serve as jailor, and who shall receive as his compensation the jail fees as now provided by law, except that he shall be allowed the sum of one dollar ($1.00) per day for feeding prisoners. The sheriff shall appoint a second deputy who shall make his home within one (1) mile of the city limits of Cashiers, and who shall serve at the discretion of the commissioners, primarily for the southern end of the county, and who shall be paid the sum not to exceed one hundred and fifty dollars ($150.00) per month.

Appointment of deputy sheriff for southern end of county; pay.

Salary of chairman, County Commissioners.

SEC. 10. The full time chairman of the county commissioners, known as the finance commissioner, shall be paid an annual salary of three thousand dollars ($3,000.00), payable in equal monthly installments, and the other commissioners shall be paid ten dollars ($10.00) per diem and five cents (5c) per mile travel while actually serving.

Other commissioners, per diem and travel expense.

Credit of delinquent taxes prior to 1941 to general fund.

SEC. 11. That all delinquent taxes owing to the County of Jackson prior to the year 1941, shall, when collected, be credited to the county general fund.

Salary of C. S. C. as juvenile judge.

SEC. 12. The Clerk of the Superior Court of Jackson County, in addition to his fees allowed by law, shall be paid the sum of seventy-five dollars ($75.00) per month for his services as juvenile judge of the county.

Ch. 144, Public-Local Laws, 1931; G. S. § 105-390(c), § 153-56, and § 153-115, pro tanto; and other conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with the provisions of this Act and in particular Chapter 144 of the Public-Local Laws of 1931, General Statutes 105-390, paragraph (c), and Sections 153-56 and 153-115 of the General Statutes are hereby repealed to the extent that the same are in conflict with the provisions of this Act.

SEC. 14. This Act shall become in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 74 **CHAPTER 18**

AN ACT RELATING TO THE DRAWING AND TERM OF SERVICE OF GRAND JURORS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Drawing and terms of Grand Jurors, Mecklenburg County.

SECTION 1. That at the first regular criminal term of Mecklenburg County Superior Court which convenes after the 31st day of March, 1947, the presiding judge shall cause to be drawn, in the manner prescribed by Section 9-27 of the General Statutes, nine (9) grand jurors to serve for a term of six (6) months and who, together with the grand jurors who were drawn by the board of county commissioners of said county on December 2nd, 1946, to serve for six (6) months beginning January 6th, 1947, shall constitute the grand jury of said county. Thereafter, at the first regular criminal term of Mecklenburg County Superior Court which convenes in the months of July, October, January and April of each year, the presiding judge shall cause to be drawn in the aforesaid manner nine (9) grand jurors to serve for a term of six (6) months. In the event any vacancy should occur in the grand jurors of said county, the judge holding the criminal court of said county may, in his discretion, order a new grand juror drawn who shall take the oaths prescribed by law and fill such vacancy. In drawing prospective jurors to serve at the first regular criminal term of said county in July, October, January and April of each year, the county commissioners of said county shall draw forty-five (45) prospective jurors, so as to provide for a sufficient number to furnish the nine (9) new grand jurors to be drawn at such term, as well as the necessary number of regular jurors.

Vacancies filled.

Panel of prospective jurors provided for.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

H. B. 116 CHAPTER 19

AN ACT WITH REFERENCE TO THE SCHOOL SINKING FUNDS OF THE BOARD OF EDUCATION OF JOHNSTON COUNTY, VALIDATING THE ACTION OF SAID BOARD WITH RESPECT TO SAID FUNDS AND PROVIDING FOR THE FURTHER HANDLING THEREOF.

Preamble:

School sinking funds, Johnston County, deposited with banks prior to depression.

WHEREAS, the Board of Education of Johnston County, under authority of Chapter 450 of the Public-Local Laws of 1927, appointed two banks in Johnston County as treasurers of the school sinking funds of the said county, which said banks continued to act as treasurers of said funds until the financial depression became so acute that the said banks were unable to give the bonds required by law for acting as treasurers of said funds; and

Education Board unable to get any bank to qualify as treasurer.

WHEREAS, at that time the Board of Education of Johnston County was unable to get any other bank to qualify and act as treasurer of said sinking funds and give the bond required by law; and

Funds paid over to County Treasurer.

WHEREAS, at that time all the funds held by the said banks as treasurers of the school sinking funds of Johnston County were paid over to the Treasurer of Johnston County; and

Bonds bought by Education Board under 1931 law; financial gain.

WHEREAS, thereafter, under the authority of Chapter 413 of the Public Laws of 1931, the Board of Education of Johnston County, from time to time, purchased from the sinking funds of said county on deposit with the county treasurer bonds issued by Johnston County and its political subdivisions, all of which were purchased at a price substantially below par, to the financial advantage to the said school sinking funds in a substantial amount; and

Bonds kept in bank safety deposit box under control of Board Chairman and Secretary.

WHEREAS, the said bonds so purchased by authority of Chapter 413 of the Public Laws of 1931 were by order of the Board of Education of Johnston County deposited in a safety deposit box in the bank, under the joint control of the chairman and secretary of said board, and said securities are now so deposited; and

Accrued interest paid to County Treasurer.

WHEREAS, from time to time, upon the accrual of interest upon said bonds the amounts thereof have been forthwith paid into the hand of the County Treasurer of Johnston County; and

Great saving to County taxpayers.

WHEREAS, all of said Acts so done by the Board of Education of Johnston County inured to the benefit and advantage of the sinking funds of said county at a great saving to the taxpayers of said county; and

School sinking fund bonds fully paid; capital reserve fund created.

WHEREAS, all of the school sinking fund bonds heretofore issued by Johnston County have been fully paid and discharged and the funds and securities now on hand should be made available for the purpose of creating a capital reserve fund to be used in making repairs, alterations and additions to the school buildings in said county: Now, therefore,

The General Assembly of North Carolina do enact:

Education Board, Johnston County, authorized to keep control and custody of securities.

SECTION 1. That the Board of Education of Johnston County is hereby authorized and empowered to keep in its control and custody the bonds and securities acquired by it for the school sinking funds of said county, until such time as said securities can be advantageously converted into cash. That said board of education shall continue to keep the said securities in a safety deposit box, subject to the joint control of the chairman and secretary of the said board and such audit as shall be made

Control and audit.

from time to time by the board of commissioners of said county. That the board of education shall forthwith, upon the sale of said securities or any part thereof, pay into the county treasury

Sale proceeds payable to County Treasurer.

of Johnston County the proceeds of such sales. That the said bonds and securities and the funds derived from any sale or sales thereof, when paid into the hands of the Treasurer of Johnston County, shall continue and remain the funds to be

Use of funds by Education Board.

used by the Board of Education of Johnston County, upon budgets approved by the board of commissioners of such county and the State Board of Education, for the construction, alteration, repair or addition to the public school buildings of said county, and shall be used for no other purpose. In the event the

Requirement of bond by Chairman and Secretary, Education Board, authorized.

Board of Commissioners of Johnston County shall, in the exercise of its discretion, deem it advisable to require the chairman and secretary of the board of education to furnish a bond for the faithful performance of their duties as joint custodians of said bonds and securities, such bond shall be provided and the cost thereof paid from the proceeds of said sinking funds.

Acts of Education Board validated.

SEC. 2. That all the acts and transactions of the Board of Education of Johnston County, with respect to the handling of the said sinking funds as recited in the preamble to this Act, are hereby ratified and validated.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1947.

S. B. 6 **CHAPTER 20**

AN ACT TO TRANSFER CERTAIN ASSETS TO THE GENERAL FUND OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All delinquent taxes due Lincoln County, which have been due and payable for two or more years, shall, when collected, and on the date of said collection, together with the penalties and cost accrued, be paid into the general fund of Lincoln County. Taxes delinquent, two or more years, Lincoln County, payable to general fund.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

S. B. 25 **CHAPTER 21**

AN ACT TO VALIDATE THE PUBLICATION OF LEGAL NOTICES IN THE BEAUFORT COUNTY RECORD, A NEWSPAPER PUBLISHED IN WASHINGTON, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all legal notices heretofore published in the Beaufort County Record, a weekly newspaper published in Washington, Beaufort County, North Carolina, otherwise legal and valid, shall not be invalidated on account of the failure of said newspaper to comply with the provisions of Article 50 of Chapter 1 of the General Statutes. Legal notices published in Beaufort County Record validated.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

H. B. 19 CHAPTER 22

AN ACT TO REPEAL CHAPTER 128 OF THE SESSION LAWS OF 1945 IN SO FAR AS THE SAME RELATES TO CLAY COUNTY REQUIRING INDEMNITY OR GUARANTY COMPANIES AS SURETIES ON OFFICIAL BONDS.

The General Assembly of North Carolina do enact:

Ch. 128, Session Laws, 1945, regulating sureties on official bonds, repealed as to Clay County.

SECTION 1. That the provisions of Chapter 128 of the Session Laws of 1945 entitled, "An Act to require the sureties on official bonds in Graham County to be surety, indemnity, or guaranty companies authorized to do business in North Carolina," in so far as the same relates to Clay County, be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

H. B. 43 CHAPTER 23

AN ACT PROVIDING THAT THE COMMISSIONS PAID TO THE SHERIFF OF CAMDEN COUNTY FOR THE COLLECTION OF TAXES SHALL BE CHARGED PROPORTIONATELY TO THE FUNDS OF THE COUNTY FOR WHICH COLLECTIONS ARE MADE, AMENDING CHAPTER 37 OF THE PUBLIC-LOCAL LAWS OF 1941.

The General Assembly of North Carolina do enact:

Ch. 37, Sec. 2, Public-Local Laws, 1941, as to Sheriff's compensation, Camden County, amended.

SECTION 1. That Section 2 of Chapter 37 of the Public-Local Laws of 1941, fixing the compensation of the Sheriff of Camden County, be, and the same hereby is amended by adding at the end of said Section the following:

That the commissions received for the collection of taxes by the Sheriff of Camden County shall be paid proportionately by the several funds of the county for which the collections are made. Commissions paid by several funds, pro rata.

SEC. 2. That the Board of Commissioners for Camden County shall have the authority, in its discretion, to allocate from the general fund of the county to any other fund of the county such amounts as it may determine. Allocations from general fund to other funds authorized.

SEC. 3. That all laws and clauses of laws in conflicts with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after April 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

H. B. 52 CHAPTER 24

AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor of North Carolina may appoint four (4) persons who shall possess the requirements and qualifications of special judges as prescribed by Article IV, Section 11, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for Judges of the Superior Court, save the requirements of residence in a particular district, to be Special Judges of the Superior Court of the State of North Carolina. Two (2) of the said judges shall be appointed from the Western Judicial Division and two (2) from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June 30th, 1949, and the said commission shall constitute his authority to perform the duties of the office of a Special Judge of the Superior Court during the time named herein. Appointment by Governor of special judges authorized. Oath, requirements, disabilities. Residence qualifications. Issuance of Commission; term of office.

SEC. 2. That each special judge so appointed by the Governor shall be subject to removal from office for the same causes and in the same manner as regular Judges of the Superior Court; and vacancies occurring in the offices created by this Act shall be filled by the Governor in like manner for the unexpired term thereof. Removal from office. Vacancies filled.

Appointment of additional special judges.

SEC. 3. That the Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four (4) additional judges, two (2) of whom shall be residents of the Western Judicial Division and two (2) of whom shall be residents of the Eastern Judicial Division, whose terms of office shall begin from his or their appointment and qualification and end June 30th, 1949. That all of the provisions of this Act applicable to the four (4) special judges shall be applicable to the four (4) special judges authorized to be appointed under this section.

Residence qualifications.

Terms.

Application of Act to additional judges.

Jurisdiction and authority of special judges.

SEC. 4. That the authority herein conferred upon the Governor, pursuant to Article IV, Section 11, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the Superior Court, with either civil or criminal jurisdiction, or both, as may be designated by the Statutes or by the Governor pursuant to law.

Special judges vested with same powers as regular judges.

SEC. 5. That to the end that such special judges shall have the fullest power and authority sanctioned by Article IV, Section 11, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.

Salary and traveling expenses.

SEC. 6. That the special judges so appointed shall receive the same salary and traveling expenses as now are, or may be, paid or allowed to Judges of the Superior Court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and assigned by the Governor to hold, without additional compensation: *Provided,* that no person appointed under this Act shall engage in the practice of law.

Private law practice prohibited.

Powers of special judges to settle cases on appeal.

SEC. 7. That the special judges herein provided for are hereby fully authorized and empowered to settle cases on appeal and to make all proper orders in regard thereto after the time for which they were commissioned has expired.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws which may be in conflict with this Act, to the extent of such confiict, are hereby repealed: *Provided,* that nothing herein shall in any manner affect Sections 7-50 and 7-51 of the General Statutes of North Carolina.

G. S. §§ 7-50 and 7-51, not affected.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

H. B. 77 CHAPTER 25

AN ACT TO EXTEND THE JURISDICTION OF THE SUPERIOR COURT FOR THE PURPOSE OF HEARING AND DETERMINING CERTAIN CIVIL MATTERS AT CRIMINAL TERMS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 7-72 of the General Statutes of North Carolina by adding another sentence at the end of said Section, which said sentence shall read as follows: G. S. § 7-72, amended.

At criminal terms of court, the court is also authorized and empowered to enter consent orders and consent judgments and to try uncontested civil actions and uncontested divorce cases. Consent decrees, trial of uncontested civil cases, authorized at criminal terms, Superior Court.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

H. B. 88 CHAPTER 26

AN ACTION FIXING THE TERMS OF THE SUPERIOR COURT FOR BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of Section 77 of the General Statutes of North Carolina fixing the terms of the Superior Court in Burke County is hereby amended by striking out said portion of said Section and inserting in lieu thereof, the following: G. S. § 77 (G. S. 7-70), amended Superior Court terms, Burke County, amended.

Burke—Second Monday before the first Monday in March, to continue for one week, for the trial of civil and criminal cases; first Monday after the first Monday in March, to con- Terms prescribed for Burke County.

tinue for two weeks, for the trial of civil and criminal cases; thirteenth Monday after the first Monday in March, to continue for three weeks, for the trial of civil and criminal cases; fourth Monday before the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases; third Monday after the first Monday in September, to continue for three weeks, for the trial of civil and criminal cases; fourteenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases: *Provided, however*, that the Board of Commissioners of Burke County, in any year, upon written petition of a majority of the practicing attorneys resident in said county, may, by resolution duly adopted, dispense with and abrogate the holding of that term of said court which by the provisions of this Section commences on the thirteenth Monday after the first Monday in March.

Burke County Commissioners authorized to dispense with certain term.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1947.

S. B. 19 **CHAPTER 27**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY TO ASSUME THE SCHOOL BONDS OF ELIZABETH SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Cleveland County Commissioners authorized to pay debt service, Elizabeth School District bonds.

SECTION 1. That the Board of Commissioners of Cleveland County is hereby authorized and empowered to annually include in the debt service budget of said county, funds sufficient to pay the debt service on school bonds issued by the Elizabeth School District which were voted in the year 1945, and the inclusion of the debt service for payment of such bonds by the county shall not operate to compel said county to assume the debt service requirements of any other school bonds issued in said county prior to the year 1945.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

S. B. 30 **CHAPTER 28**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Corporate limits, City of Monroe, enlarged.

SECTION 1. That the corporate limits of the City of Monroe are enlarged so as to include the following described territory:

Description of added territory.

Beginning at a point in the west edge of U. S. Highway No. 74 in the present corporate boundary line of the City of Monroe and running thence along the west side of said U. S. Highway No. 74, first, North 38 degrees West 702 feet to a point; second, North 42 degrees 35 minutes West 198 feet to a point; thence crossing said Highway and along the north side of Fairground Avenue North 76 degrees 25 minutes East 2270 feet to a point on the east side of Secrest Short-Cut Road; thence along the east side of said Road South 9 degrees 35 minutes East 358 feet to a point in the east edge of the Concord Road; thence along the east side of the Concord Road South 8 degrees West 324 feet to a point in the east side of said Road in the presently existing corporate boundary of the City of Monroe; thence along and with said corporate boundary line South 70 degrees 7 minutes West 1751 feet to the beginning point.

Annexation of territory.

SEC. 2. That the territory embraced within the enlarged boundary set out in Section 1 hereof is hereby annexed to said City of Monroe and is in all respects made a part thereof.

Effect of existing laws and ordinances.

All laws and ordinances relating to said City of Monroe as it existed at and prior to the passage of this Act shall apply to said City as enlarged by this Act.

New area made part of contiguous ward.

SEC. 3. That any territory thus annexed to said City of Monroe is hereby made a part of the ward to which it is contiguous.

No ad valorem tax levy within new area for 1947.

SEC. 4. That no ad valorem tax shall be levied against any of the property or property holders or residents within the area described in Section 1 hereof by the City of Monroe for the year 1947.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

H. B. 53 CHAPTER 29

AN ACT TO AMEND CHAPTER 261 OF THE SESSION LAWS OF 1945 RELATING TO SPECIAL TAX LEVIES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 261, Sec. 1, Session Laws, 1945, as to tax levy for Accountant, Wayne County, amended.

SECTION 1. Section 1 of Chapter 261 of the Session Laws of 1945 be, and the same is hereby amended by striking out the words and figures "one cent (1c)" in line 3 of said Section and substituting in lieu thereof the words and figures "two and one-half cents (2½c)."

Sec. 2, amended as to taxes for County Farm Agent.

SEC. 2. Section 2 of Chapter 261 of the Session Laws of 1945 be, and the same is hereby amended by striking out in line 3 of said Section the words and figures "two and one-half (2½c)" and inserting in lieu thereof the words and figures "five cents (5c)."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

H. B. 54 CHAPTER 30

AN ACT CALLING AN ELECTION TO AMEND THE CHARTER OF THE CITY OF NEW BERN, CRAVEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Special election on proposed amendments to charter, City of New Bern.

SECTION 1. That there shall be held within the City of New Bern, Craven County, not later than March 6th, 1947, a special election, as provided in Sections 160-353 through Section 160-363, inclusive, General Statutes, North Carolina, for the purpose of submitting to the qualified voters of the City of New Bern, the following amendments to the city charter:

1. The charter of the City of New Bern, Craven County, be, and the same is hereby amended by adding thereto the following:

Proposed amendment providing for appointment of City Manager. Qualifications.

(a) The board of aldermen shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not

be a resident of the city when appointed. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance. Term of office.

The city manager shall: Powers and duties of City Manager.

(1) Be the administrative head of the city government;

(2) See that within the city the laws of the State and the ordinances, resolutions, and regulations of the board of aldermen are faithfully executed;

(3) Attend, at the request of the board of aldermen, meetings of the board and report from time to time upon the affairs of the city and keep the board fully advised of the city's financial condition and its future financial needs;

(4) Appoint and remove all department heads and employees of the city except those elected by the voters or those appointed by the civil service board, if any, and also excepting the city tax collector and the chief of police and city recorder, if any, but the city manager shall report every such appointment and removal to the board of aldermen at the next meeting thereof following any such appointment or removal.

No member of the board of aldermen shall, during the term for which elected, be chosen as city manager. The city manager shall not make any contract or purchase in the name of the city unless the same shall have been authorized by ordinance or resolution of the board of aldermen, nor shall he engage in electioneering or take an active part in political campaigns nor attempt to influence the result of State, county or city elections, except by exercising his right as a citizen to hold his own political views and to cast his own vote. No alderman eligible for position. Restrictions on City Manager.

(b) At the time of holding the specal election as herein above provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election, all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "FOR AMENDMENT PROVIDING FOR CITY MANAGER," and those who are opposed shall vote a ballot upon which shall be printed or written the words "AGAINST AMENDMENT PROVIDING FOR CITY MANAGER." If in said election, a majority of the votes cast shall be "FOR AMENDMENT PROVIDING FOR CITY MANAGER," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "AGAINST AMENDMENT PROVIDING FOR CITY MANAGER," said amendment shall not become a part of the charter of the City of New Bern. Submission of question to voters. Form of ballots. Effect of result of election on city charter.

Proposed amendment as to appointment of police chief and tax collector.

2. The charter of the City of New Bern shall be amended as follows:

Terms and compensation.

(a) The chief of police and the city tax collector shall be appointed by the board of aldermen to hold office during the pleasure of the board of aldermen and to receive such compensation as it shall fix by ordinance, and so much of section 6 of the charter of said city as is inconsistent with this section is hereby repealed.

Submission of question to voters.

(b) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election, all those who are in favor

Form of ballots.

of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "FOR AMENDMENT PROVIDING FOR APPOINTMENT OF CHIEF OF POLICE AND CITY TAX COLLECTOR," and those who are opposed shall vote a ballot upon which shall be printed or written the words "AGAINST AMENDMENT PROVIDING FOR APPOINTMENT OF CHIEF OF POLICE AND CITY TAX COLLECTOR." If, in said election, a majority of the votes cast shall be "FOR AMENDMENT PROVIDING FOR APPOINTMENT OF CHIEF OF POLICE AND CITY TAX COLLECTOR," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the

Effect of result of election on city charter.

votes cast shall be "AGAINST AMENDMENT PROVIDING FOR APPOINTMENT OF CHIEF OF POLICE AND CITY TAX COLLECTOR," said amendment shall not become a part of the charter of the City of New Bern.

3. The charter of the City of New Bern shall be amended as follows:

Proposed amendment as to election of aldermen by wards.

(a) The second sentence of section 6 shall be repealed and in its place shall be substituted the following:

At the same time, one alderman for each of the wards of the city shall be elected by the qualified voters of said wards respectively.

Submission of question to voters.

(b) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election, all those who are in

Form of ballots.

favor of the adoption of the amendment shall vote a ballot upon which shall be written or printed the words "FOR AMENDMENT PROVIDING ONE ALDERMAN PER WARD," and those who are opposed shall vote a ballot upon which shall be written or printed the words "AGAINST AMENDMENT PROVIDING ONE ALDERMAN PER WARD." If in said election, a majority of the votes cast shall be "FOR AMENDMENT PROVID-

ING ONE ALDERMAN PER WARD," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "AGAINST AMENDMENT PROVIDING ONE ALDERMAN PER WARD," said amendment shall not become a part of the charter of the City of New Bern. Effect of result of election on city charter.

4. The charter of the City of New Bern shall be amended as follows:

(a) There shall be established in the City of New Bern a municipal recorder's court as provided in Section 7-185 through 7-217, inclusive, General Statutes, North Carolina. Proposed amendment as to municipal recorder's court.

(b) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election, all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be written or printed the words "FOR AMENDMENT PROVIDING FOR MUNICIPAL RECORDER'S COURT," and those who are opposed shall vote a ballot upon which shall be printed or written the words "AGAINST AMENDMENT PROVIDING FOR MUNICIPAL RECORDER'S COURT." If in said election, a majority of the votes cast are "FOR AMENDMENT PROVIDING FOR MUNICIPAL RECORD'S COURT," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "AGAINST AMENDMENT PROVIDING FOR MUNICIPAL RECORDER'S COURT," said amendment shall not become a part of the charter of the City of New Bern. Submission of question to voters. Form of ballots. Effect of result of election on city charter.

5. The charter of the City of New Bern shall be amended as follows:

(a) That the City of New Bern shall participate in the State Retirement System as provided for in Section 128-121 through 128-138, inclusive, General Statutes, North Carolina. Proposed amendment as to State Retirement System, application to New Bern.

(b) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election all those who are in favor of the adoption of the amendment shall vote a ballot upon which are printed or written the words "FOR AMENDMENT PROVIDING FOR RETIREMENT SYSTEM," and those who are opposed shall vote a ballot upon which shall be printed or written the words "AGAINST AMENDMENT PROVIDING FOR RETIREMENT SYSTEM." If in said election, a majority of the votes cast shall be "FOR AMENDMENT PROVIDING FOR Submission of question to voters. Form of ballots. Effect of result of election on city charter.

RETIREMENT SYSTEM," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "AGAINST AMENDMENT PROVIDING FOR RETIREMENT SYSTEM," said amendment shall not become a part of the charter of the City of New Bern.

6. The charter of the City of New Bern shall be amended as follows:

Proposed amendment as to Civil Service Board for New Bern.

(A) That there shall be created a Civil Service Board for the City of New Bern, to consist of three members, one of whom shall be the chief of police, the other two to be representative citizens of the City of New Bern, to be appointed by the board of aldermen to serve for a period of two years, except that upon the effective date of this amendment, one member shall be appointed to serve for a period of one year who shall be replaced at the end of such term by a member who shall serve a term as above set forth. No member of the civil service board may serve on the board of aldermen while a member of the civil service board, and no member of said board shall serve more than one consecutive term. In case of a vacancy on the civil service board, the board of aldermen shall fill such vacancy for the unexpired term of said member. A majority of said board shall constitute a quorum.

Composition of board; terms.

Restrictions as to Board members.

Vacancies filled.

Quorum.

Oath.

Removal.

(a) The members of said civil service board shall take an oath to faithfully perform their duties. The members of said board shall be subject to removal from office by a two-thirds vote of the board of aldermen, with or without cause.

Requirements for applicants for positions in police department.

(b) Said board shall establish and fix requirements for applicants in the police department and all applicants for position in the police department shall be subjected to an examination by said board which shall be competitive and free to all persons possessing the rights of suffrage and meeting the requirements of said board, subject to reasonable limitations as to residence, age, health, and moral character, and said examinations shall be practical in their character and shall be limited to those matters which will fairly test the relative ability of the person examined to discharge the duties of the position which he is seeking, and shall include tests of physical qualifications and health, but no such applicant shall be examined concerning his political or religious opinions or affiliations.

Notice of examinations.

(c) Notice of the time and place of every examination shall be given by the board one week preceding such examination in a newspaper of general circulation in the City of New Bern, and such notice shall be posted in a conspicuous place in the office of said board for at least two weeks preceding such examination.

Register of applicants passing examinations.

Appointments.

(d) Said board shall prepare and keep a register of persons passing said examinations graded according to their respective showings upon said examinations, which register shall determine the appointments to be made in said police department under the eligibility rules and regulations established by the civil service board.

Political activity by police department members prohibited.

Penalty for violation.

(e) No member of the police department coming under the jurisdiction of the civil service board shall take any part in any election or political function other than that of exercising his right to vote, and any such member of the police department convicted of violating this provision by the civil service board shall be dismissed from service of said department by the civil service board.

Procedure for dismissal, removal or discharge of members of police department.

(f) No member of the police department of the City of New Bern shall be dismissed, removed or discharged except for cause upon written complaint and until after he has been given an opportunity to be heard by the civil service board in his own defense, and in the event such member is convicted of violating the rules and regulations of the police department, said board may dismiss or discharge him from service or may fine him or suspend him without pay for a period not to exceed ninety days. Said board may suspend any member of the police department pending an investigation and hearing but for a time not to exceed thirty days at any one time. In the conduct of said investigations each member of said board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation; that the chief of police may suspend any member of the police department violating any rules or regulations of the department for a period of time not exceeding thirty days and until said member of the police department may have a hearing before the civil service board as provided herein, and such member of the police department shall receive no pay during the period of such suspension if found guilty at the time of the hearing.

Suspension pending investigation.

Powers of board in conduct of investigations.

Suspension by Police Chief.

Pay prohibited during suspension.

Annual report by Board.

(g) The board shall make an annual report of its actions for the preceding year and said annual report shall be kept in the files of said board and copy delivered to the board of aldermen.

City clerk as secretary to Civil Service Board.

Duties.

(h) The city clerk shall act as secretary to the civil service board and shall keep the minutes of its meetings and shall be custodian of all papers and records pertaining to the business of said board and shall keep a record of all examinations held and shall perform such other duties as the board may require.

Service by members without pay.

(i) The members of said civil service board shall serve without compensation.

Control of city finances retained by aldermen.

(j) Nothing in this amendment shall be construed to deprive the board of aldermen of its control of the finances of the city.

Police Chief exempt from civil service.

(k) The provisions of this civil service amendment shall not apply to the chief of police.

Effect of civil service on present members of police department.

(l) No person who is a member in good standing of the police department on the effective date of this amendment shall be subjected to or forced to pass any examination to retain such job and may be dismissed, removed or discharged only in accordance with the provisions hereinbefore set forth.

Submission of question to voters.

(B) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city; at said election, all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "FOR AMENDMENT PROVIDING FOR CIVIL SERVICE FOR POLICE DEPARTMENT," and those who are opposed shall vote a ballot upon which shall be printed or written the words "AGAINST AMENDMENT PROVIDING FOR CIVIL SERVICE FOR POLICE DEPARTMENT." If in said election a majority of the votes cast shall be "FOR AMENDMENT PROVIDING FOR CIVIL SERVICE FOR POLICE DEPARTMENT," the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "AGAINST AMENDMENT PROVIDING FOR CIVIL SERVICE FOR POLICE DEPARTMENT," said amendment shall not become a part of the charter of the City of New Bern.

Form of ballots.

Effect of result of election on city charter.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date of amendments, if adopted.

SEC. 3. If any of the above amendments shall be adopted as herein provided for, then and in such event, such amendment or amendments shall be in full force and effect from and after the first day of July, 1947.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

H. B. 82 **CHAPTER 31**

AN ACT TO REPEAL CHAPTER 10 OF THE PRIVATE LAWS OF 1935 RELATIVE TO THE ISSUANCE OF BONDS BY THE TOWN OF FRANKLIN.

Preamble:

Provisions of Ch. 10, Private Laws, 1935, as to bond elections, Town of Franklin.

WHEREAS, Chapter 10 of the Private Laws of 1935 provides that no election for the purpose of issuing bonds by the Town of Franklin in Macon County, North Carolina, shall be valid unless and until same is approved by a majority of the qualified voters of said town, and that no election shall be called for the purpose of issuing bonds of said town prior to July 1st, 1935; and

Constitutional prohibitions as to contracting debts by local government units.

WHEREAS, under the provisions of amended Section 4 of Article V of the Constitution of North Carolina, adopted at the general election held in 1936, counties and municipalities are prohibited from contracting debts during any fiscal year in an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality, and be approved by a majority of those voting thereon; and

Necessity for Ch. 10, Private Laws, 1935, eliminated.

WHEREAS, as a result of the adoption of said amended Section 4 of Article V the restrictions upon the issuance of bonds of the Town of Franklin imposed by said Chapter 10 are no longer necessary: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 10, Private Laws, 1935, restricting bond elections, Town of Franklin, repealed.

SECTION 1. That Chapter 10 of the Private Laws of 1935 entitled "An Act to prohibit any election in the Town of Franklin in Macon County prior to July 1st, 1935, for the purpose of issuing bonds of the said Town of Franklin," be and the same is hereby repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

H. B. 96 **CHAPTER 32**

AN ACT AUTHORIZING THE ISSUANCE OF SCHOOL BONDS BY THE COUNTY OF CARTERET AND A LEVY OF A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREON.

The General Assembly of North Carolina do enact:

Levy of Special School Bonds Tax, Carteret County, provided for.

SECTION 1. Under authority contained in Chapter 153 of the General Statutes of North Carolina, and by resolution of the Board of County Commissioners of Carteret County unanimously adopted at a regular meeting held January 6th, 1947, and duly entered in the minutes of said meeting, authorizing and providing for the issuance of bonds of the said County of Carteret, for the purpose shown in said Chapter 153-77, clause (a), provision is hereby made to the effect that a special tax designated and known as "Special School Bonds Tax" shall be annually levied on all taxable property in the County of Carteret and collected in the same manner as other taxes are levied and collected, sufficient in amount to pay the principal and interest on certain school bonds to meet county needs in the maximum amount hereinafter named, such provision also having the force and effect of a contract between the said county and the holders of any bonds which may be issued hereunder; that the collections of said special tax shall be segregated and accounted for separately from the collections of other taxes and supplemented with money which may be derived from other sources of revenue, whenever such supplement is not inconsistent with the provisions of law, for the purpose of paying said principal and interest, such supplement not to have the effect of, or be used for, reducing said special tax.

Collection of tax.

Purpose.

Effect of provision for tax levy.

Special tax funds segregated.

Supplement of funds.

Issuance of bonds by Carteret County for maximum of $250,000 authorized.

SEC. 2. Bonds of the County of Carteret may be issued at any time after the ratification of this Act for the purpose shown in Sub-section (a), Chapter 153-77, General Statutes, for the maximum aggregate amount of two hundred fifty thousand dollars ($250,000.00), notwithstanding the limitation fixed by Section 153-87 of the General Statutes relating to the net indebtedness for school purposes.

Powers in addition to existing powers.

SEC. 3. The powers granted by this Act are in addition to, and not in substitution for, existing powers.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. The provisions of this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

S. B. 60 **CHAPTER 33**

AN ACT AUTHORIZING THE EXPENDITURE OF ALCOHOLIC BEVERAGE CONTROL PROFITS BY THE MUNICIPALITIES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Expenditure of A. B. C. Store profits by municipalities, Halifax County, authorized.

SECTION 1. That the profits derived from the operation of alcoholic beverage control stores in Halifax County which, under the existing laws, have been or are to be paid to municipalities therein, may be expended by the boards of commissioners of the several municipalities therein for debt service or for any other objects and purposes authorized by law for such municipalities.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 4 **CHAPTER 34**

AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR DETERMING RESULT OF SPECIAL ELECTIONS BY MAJORITY OF THOSE VOTING THEREIN.

The General Assembly of North Carolina do enact:

Proposed amendment to Art. VII, Sec. 7, N. C. Constitution.

SECTION 1. Article VII, Section 7 of the Constitution of North Carolina is hereby amended by substituting for said Section the following:

Determination of result of election on local government debt or loan by majority of voters.

"SEC. 7. No debt or loan except by a majority of voters. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose."

Submission of question to voters.

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

Form of ballots.

SEC. 3. In such election the electors favoring the adoption of the amendment in Section 1 of this Act shall vote ballots on which shall be printed or written the words "For determining results of special elections by majority vote," and those opposed shall vote ballots on which shall be written or printed the words "Against determining result of special elections by majority vote."

Conduct of election.

Certification and enrollment of amendment, if adopted.

Effective date of amendment.

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 28 **CHAPTER 35**

AN ACT TO FIX CERTAIN ALLOWANCES FOR THE TRAVEL AND TRANSPORTATION EXPENSES OF THE SHERIFF OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Provision for travel and transportation expenses for Sheriff, Alleghany County.

Installment payments.

SECTION 1. That the Board of County Commissioners of Alleghany County are hereby authorized, empowered and shall pay to the Sheriff of Alleghany County, out of the general county funds of Alleghany or any other available county funds, the sum of five hundred dollars ($500.00) each calendar year as an allowance for travel and transportation expenses of the Sheriff of Alleghany County within said county; that said sum of five hundred dollars ($500.00) shall be paid in equal monthly installments beginning with the month of January, 1947, and shall be in addition to any salary, fees or compensation received by the sheriff for performing the duties of his office, and in addition to any other allowances heretofore made to said sheriff.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That the public welfare of Alleghany County requires that this Act shall become effective immediately; and, therefore, this Act shall be in full force and effect from and after its ratification. Public welfare requirements, Alleghany County, stated.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 68 **CHAPTER 36**

AN ACT TO FIX THE SALARIES FOR COMPENSATION OF CERTAIN OFFICERS OF BLADEN COUNTY BY AMENDING CHAPTER 176 OF THE SESSION LAWS OF 1943.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 176 of the Session Laws of 1943 is hereby repealed and there is inserted in lieu thereof the following: Sec. 1, Ch. 176, Session Laws, 1943, rewritten.

SECTION 1. The Clerk of the Superior Court of Bladen County for services rendered as such clerk and as Clerk of the Recorder's Court shall receive a salary of three thousand dollars ($3,000.00) per annum, payable in equal monthly installments of two hundred and fifty dollars ($250.00) per month, the same to be in full compensation and for all services of the Clerk of the Superior Court and as ex officio Clerk of the Recorder's Court. Salary of C. S. C., Bladen County.

SEC. 2. Section 2 of Chapter 176 of the Session Laws of 1943 is hereby repealed and there is inserted in lieu thereof the following: Sec. 2, rewritten.

SEC. 2. The Register of Deeds of Bladen County shall receive a salary of two thousand and four hundred dollars ($2,400.00) per year, payable in equal monthly installments of two hundred dollars ($200.00) per month, the same to be in full compensation for all services of said Register of Deeds of Bladen County. Salary of Register of Deeds, Bladen County.

SEC. 3. Sections 3 and 4 of Chapter 176 of the Sessions Laws of 1943 are hereby repealed and there is inserted in lieu thereof the following: Sections 3 and 4, rewritten.

SEC. 3. The Judge and the Prosecuting Attorney of the Recorder's Court of Bladen County shall each receive a salary of one thousand and eight hundred dollars ($1,800.00) per annum, payable in equal monthly installments of one hundred and fifty Salaries of Judge and Prosecuting Attorney, Bladen County Recorder's Court.

dollars ($150.00) per month, the same to be in full compensation for all services rendered as Judge or Prosecuting Attorney of the Recorder's Court of Bladen County.

Salary of Sheriff, Bladen County.

SEC. 4. The Sheriff of Bladen County shall receive a salary of three thousand dollars ($3,000.00) per annum, payable in equal monthly installments of two hundred and fifty dollars ($250.00) per month, the same to be in full compensation for all services rendered by the sheriff of said county. The Sheriff of Bladen County shall receive a sum of fifty dollars ($50.00) per month for traveling expense incurred in connection with the performance of his official duties.

Travel expense of Sheriff.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after January 1st, 1947. The intent and purpose of this Act is that the salaries herein authorized shall become effective as of January 1st, 1947.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 80 CHAPTER 37

AN ACT TO AMEND CHAPTER 92 OF THE PRIVATE LAWS OF 1921 RELATING TO THE ELECTION OF SCHOOL COMMISSIONERS IN THE GASTONIA CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 14, Private Laws, 1927, amended.

SECTION 1. That Section 1 of Chapter 14, Private Laws of 1927, entitled "AN ACT TO AMEND AND RE-ENACT THE CHARTER OF GASTONIA GRADED SCHOOL DISTRICT" be and the same is hereby amended to read as follows:

Gastonia Graded School District continued under new name.

SECTION 1. That all the territory embraced within the present limits of Gastonia Graded School District, Gaston County, North Carolina, shall be and the same is hereby continued as a school district for white and colored children, to be known as Gastonia City Administrative Unit, with the right as such to receive its proportion of the general school fund from the County Board of Education, or from any other source.

Right to receive funds.

Sec. 2, amended.

SEC. 2. That Section 2 of Chapter 14 of the Private Laws of 1927 is hereby amended to read as follows:

SEC. 2. That the management of the public schools in said district shall be vested in a board of seven school commissioners to be elected by the qualified voters in said district in the manner and for the term hereinafter provided.

Board of School Commissioners for management of schools.

SEC. 3. That Section 3 of Chapter 14 of the Private Laws of 1927 is hereby amended by striking out the first sentence in said Section, and substituting in lieu thereof the following:

Sec. 3, amended.

That on the first Tuesday after the first Monday in March, 1947, an election shall be held in and for said Gastonia City Administrative Unit for the election of said board of school commissioners, one of whom shall reside in each one of the seven geographical sub-divisions of said Gastonia City Administrative Unit as follows: That portion of the Gastonia City Administrative Unit bounded on the North and East by the present line of said Gastonia Graded School District limits, on the South by the Southern Railroad, on the West by Marietta Street and the extension of said Marietta Street over Dallas Highway to the present line of said school district limits, shall be known as SUB-DIVISION NO. 1; that portion of the Gastonia City Administrative Unit bounded on the North by the present line of said Gastonia Graded School District limits, on the East by Marietta Street and the extension of Marietta Street over Dallas Highway to the present line of said school district limits, on the South by the Southern Railroad, on the West by the present line of said school district limits, shall be known as SUB-DIVISION NO. 2; that portion of the Gastonia City Administrative Unit bounded on the North by the Southern Railroad, on the West and South by the present line of the Gastonia Graded School District limits, on the East by a line beginning in the center of Vance Street at the line of the Southern Railway tracks and running thence in a straight line South 5 degrees West over part of Vance Street and continuing with said straight line to the present limits of said Gastonia Graded School District, shall be known as SUB-DIVISION NO. 3; that portion of Gastonia City Administrative Unit bounded on the North by the Southern Railroad, on the East by a straight line beginning at the center of the intersection of King Street and Franklin Avenue and extending due North to the Southern Railway tracks and due South to the present limits of said school district, on the South by the present limits of said school district, on the West by a line beginning in the center of Vance Street at the line of the Southern Railway tracks and running thence in a straight line South 5 degrees West over part of Vance Street and continuing with said straight line to the present limits of said Gastonia Graded School District, shall be known as SUB-DIVISION NO. 4; that portion of the Gastonia City Administrative Unit bounded on the North by the Southern Railroad, on the East by York Street and extension

Election of School Commissioners.

Residence qualifications.

Sub-divisions of District defined.

Sub-division No. 1.

Sub-division No. 2.

Sub-division No. 3.

Sub-division No. 4.

Sub-division No. 5.

of York Street, on the South by the present line of the Gastonia Graded School District limits, on the West by a straight line beginning at the center of the intersection of King Street and Franklin Avenue and extending due North to the Southern Railway tracks and due South to the present limits of said school district, shall be known as SUB-DIVISION NO. 5; that portion of said Gastonia City Administrative Unit bounded on the North by Southern Railroad, on the East by Oakland Street and extension of Oakland Street to the present limits of Gastonia Graded School District, on the South by the present limits of said school district, on the West by York Street and extension of York Street, shall be known as SUB-DIVISION NO. 6; that portion of said Gastonia City Administrative Unit bounded on the North by Southern Railroad, on the East and South by the line of said Gastonia Graded School District limits, on the West by Oakland Street and extension thereof, shall be known as SUB-DIVISION NO. 7.

Sub-division No. 6.

Sub-division No. 7.

Sec. 3, further amended.

SEC. 4. That Section 3 of Chapter 14 of the Private Laws of 1927 is further amended by striking out that portion of line 33 reading "the qualifications for" and the remaining portion of said Section, and substituting in lieu thereof the following:

Voting qualifications and oath.

The qualifications for voting in said election and the oath to be taken shall be the same as prescribed by law for the general municipal elections held for the City of Gastonia, except that all qualified voters living within said Gastonia City Administrative Unit shall be entitled to register and vote. It shall not be required or necessary to have a new registration under this Act, and all voters who have heretofore registered and are qualified to vote in any election in Gastonia City Administrative Unit and in any election in the City of Gastonia shall be entitled to vote. The registration books of the City of Gastonia may be used, and the registration as now in force and effect under the laws of the State of North Carolina applicable to the City of Gastonia and Gastonia City Administrative Unit shall be in full force and operation, and such books may be revised so as to show an active list of electors previously registered and still residing in said Gastonia City Administrative Unit without requiring said electors to be registered anew: *Provided, however,* that the board of school commissioners may at any time order a new registration. The said registrar and the two judges appointed as above set forth shall compose the judges or inspectors of election to open the polls, receive and deposit the ballots in the boxes provided for that purpose, and to superintend and have control of the voting.

Registration.

Registration books.

Revision of registration books.

Authority for new registration.

Election judges.

Sec. 7, amended.

SEC. 5. That Section 7 of Chapter 14 of the Private Laws of 1927 is amended to read as follows:

SEC. 7. The candidate from each sub-division receiving a majority of the votes cast for the candidates in each sub-division shall be declared elected. The three candidates of those elected receiving the largest number of votes shall hold office for a term of six years and until their successors are elected and qualified; the two candidates who shall receive the next largest number of votes shall hold office for a term of four years and until their successors are elected and qualified; and the two candidates receiving the next largest number of votes shall hold office for a term of two years and until their successors are elected and qualified. Their respective successors shall be elected on the first Tuesday after the first Monday in March biennially thereafter to serve for six years.

Determination of election results.

Terms of school commissioners.

Biennial elections; terms.

SEC. 6. That Section 12 of Chapter 14 of the Private Laws of 1927 is amended by striking out the word "city" in line 2, and substituting in lieu thereof the words "Gastonia City Administrative Unit."

Sec. 12, amended, as to name of school district.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947..

H. B. 83 CHAPTER 38

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE TOWN OF FRANKLIN NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshals or other officers or employees of the Town of Franklin, except that the mayor and the members of the board of aldermen shall be qualified voters of the municipality.

G. S. § 160-25, requiring certain officers to be qualified voters, made inapplicable to certain officers, Town of Franklin.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 85 CHAPTER 39

AN ACT TO AUTHORIZE THE GREENE COUNTY BOARD OF COMMISSIONERS TO GIVE THE COUNTY HOME PROPERTY TO THE TOWN OF SNOW HILL FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL CEMETERY.

The General Assembly of North Carolina do enact:

Gift of property by Greene County to Snow Hill as cemetery, authorized.

Land described.

SECTION 1. The County Board of Commissioners of Greene County is hereby authorized to convey as a gift to the Town of Snow Hill, for the purpose of establishing a municipal cemetery, the following described property, to-wit: Beginning at the intersection of the Kinston Highway and the Gray's Mill Road, and running with the Kinston Highway to Mrs. J. V. Hughes' corner, thence with Hughes' line to the Gray's Mill Road; thence with the Gray's Mill Road to the beginning, containing fifteen acres, more or less, and being all that portion of the county home property lying on the north side of the Gray's Mill Road.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Public interest declared.

SEC. 3. The public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 102 CHAPTER 40

AN ACT TO FIX THE FEES TO BE PAID FOR RECORDING CERTAIN INSTRUMENTS IN THE OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Recording fees, certain instruments, Register of Deeds, Mecklenburg County.

SECTION 1. That the fees to be paid for the recordation of the instruments mentioned below in the office of the Register of Deeds for Mecklenburg County shall be as follows:

Deeds and Deeds of Trust.

For regular form deeds and deeds of trust, one dollar and twenty-five cents ($1.25) each; for standard forms of deeds of trust used by Building and Loan Associations and Federal Sav-

ings and Loan Associations, one dollar and twenty-five cents ($1.25) each; for statutory forms of chattel mortgages, fifty cents (50c) each.

Chattel mortgages.

SEC. 2. That except as hereinbefore provided, all other fees to be paid to the Register of Deeds for Mecklenburg County shall remain as now provided by law.

Other fees continued in effect.

SEC. 3. All laws and clauses of laws in conflict with this Act are to the extent of such conflict hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be and become effective on the first day of the calendar month following the date of its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 121 CHAPTER 41

AN ACT TO AMEND THE CHARTER OF THE CITY OF FAYETTEVILLE, TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES, AND FOR OTHER PURPOSES RELATIVE TO THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 160-349 of the General Statutes of North Carolina by adding to said Section immediately after the word "City" in the last line thereof, a proviso as follows:

G. S. § 160-349, relating to City Manager Government amended as to Fayetteville.

Provided, that the City Manager of the City of Fayetteville shall have no right or power to appoint or remove the superintendent, manager, or other employees of the public works commission of the city. The business and affairs of the public works commission of the city shall be conducted and managed as now provided by law: *Provided, further,* that all appointments and removals of the city officials and employees by the city manager shall be subject to the advice and approval of the city council.

Rights and powers of Fayetteville City Manager, restricted as to public works commission.

Appointment and removal powers of City Manager restricted.

SEC. 2. That all of the powers, duties and responsibilities now possessed by the Mayor and the Board of Aldermen, and by the Board of Audit and Finance of the City of Fayetteville, shall be vested in the city council when duly elected and qualified. All sections of the charter of the City of Fayetteville and the amendments thereto, relative to the election and qualifications of the board of audit and finance, are hereby repealed.

Powers and duties of Mayor, Aldermen and Board of Audit and Finance, vested in City Council.

SEC. 3. Amend Section 160-346 of the General Statutes of North Carolina by striking out the word "seven" in line four and inserting in lieu thereof the word "fifteen"; and by striking

G. S. § 160-346, amended, as to salary of Mayor and Council.

out the word "two" in line eleven and inserting in lieu thereof the word "three."

Effect of Act on Fayetteville Civil Service Commission.

SEC. 4. This Act shall not in any way modify or repeal the Civil Service Commission of the City of Fayetteville, as provided by Chapter 609 of the Public-Local Laws of 1939; the Session Laws of 1943, Chapter 300; and the Session Laws of 1945, Chapter 184.

Effect on existing ordinances, resolutions, and franchises.

SEC. 5. All of the ordinances, resolutions, and franchises heretofore adopted by the Mayor and Board of Aldermen of the City of Fayetteville shall be and remain in full force and effect until modified, amended, or repealed by the city council.

Effectiveness of Act subject to election.

SEC. 6. This Act shall not become operative until it has been approved by a majority of the votes cast by the qualified voters of the City of Fayetteville, voting in a special election in said city, to be held on the second Tuesday in March, 1947.

Date of election.

Form of ballot.

SEC. 7. The electors or voters now qualified to vote in the municipal election and favoring the adoption of the provisions of this Act, shall vote ballots on which shall be printed substantially the following form:

FOR ☐ CITY MANAGER FORM OF GOVERNMENT

AGAINST ☐

To vote *for* City Manager Form of Government, make a cross (X) in the appropriate square.

To vote *against* City Manager Form of Government, make a cross (X) in the appropriate square.

Nomination and election of Councilors, in event of adoption of Plan "D."

SEC. 8. In the event a majority of the votes cast by the qualified voters, as *provided herein*, shall favor the adoption of Plan "D" as modified by the provisions of this Act, then in the next succeeding municipal primary and election for the City of Fayetteville candidates shall be nominated and elected to serve under Plan "D" so approved.

Effect of unfavorable vote on Plan "D."

In the event a majority of the votes cast by the qualified voters as provided herein shall not favor the adoption of Plan "D" as modified by the provisions of this Act, then the form of government for the City of Fayetteville shall be and remain as at present provided by law.

Conduct of election.

SEC. 9. The election *herein provided* shall be conducted in the same manner as the primary elections are now conducted in the City of Fayetteville, and the results shall be canvassed and certified as now provided by law.

SEC. 10. The provisions of this Act shall apply only to the City of Fayetteville in Cumberland County. Application of Act to Fayetteville only.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 12. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 123 CHAPTER 42

AN ACT EXEMPTING CERTAIN SANITARY SEWER BONDS OF THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY FROM THE NET DEBT LIMITATIONS OF GENERAL STATUTES 160-383.

The General Assembly of North Carolina do enact:

SECTION 1. The net debt limitation of paragraph 2 of Section 160-383 of the General Statutes of North Carolina, being a part of The Municipal Finance Act of 1921, as amended, shall not apply to bonds of the Town of Whiteville issued after the ratification of this Act and on or prior to July 1st, 1949, for the purpose of extending and enlarging the sanitary sewer system of said town, including the construction of a sewage disposal plant. Sanitary Sewer Bonds, Whiteville, exempted from net debt limitation of G. S. § 160-383, ¶ 2.

SEC. 2. In computing the net debt of the Town of Whiteville under the net debt limitation of said Section 160-383 of the General Statutes, it shall be lawful to deduct from gross debt such bonds or any part thereof as may be outstanding. Computation of net debt; deduction of bonds from gross debt.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947. .

H. B. 135 CHAPTER 43

AN ACT RELATING TO THE SALARIES OF THE COUNTY OFFICIALS OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Beaufort County may, in its discretion, supplement and increase the salaries of the various County Officials of Beaufort County in an amount Increase in salaries of officials, Beaufort County authorized.

Limitation.

not exceeding fifteen per cent (15%) of the various salaries of such county officials as now fixed by law.

Validation of salary increases previously paid.

SEC. 2. Any supplements, increases, or additions to the salaries of said county officials heretofore authorized, allowed, or permitted by the Board of Commissioners of Beaufort County, and actually paid to such county officials pursuant to such authorization or permission, not in excess of the amount authorized by Section 1 of this Act, shall be and the same are hereby validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 136 CHAPTER 44

AN ACT PROVIDING FOR THE APPOINTMENT, TERM AND SALARY OF A CLERK FOR THE RECORDER'S COURT OF BELHAVEN IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County Commissioners authorized to name Clerk, Belhaven Recorder's Court.

Term; duties.

SECTION 1. The Board of Commissioners of Beaufort County may, in its discretion, appoint a Clerk for the Recorder's Court of Belhaven, whose term of office will be concurrent with that of the recorder of said court, and who shall perform all duties incident to said office.

Salary.

SEC. 2. The board of commissioners of said county shall determine the salary to be paid said clerk, which salary shall not be more than four hundred eighty dollars ($480.00) per annum, and said board of commissioners may regulate such salary from term to term in such manner as will reasonably compensate said clerk for all duties performed by him incident to said office.

Discontinuance of Clerk authorized.

SEC. 3. If, at any time, in the opinion of the Board of Commissioners of Beaufort County, the duties of the office of Clerk of the Recorder's Court of Belhaven do not justify its continuance, it may discontinue the same for such period as it deems advisable, in which event and during which period, the duties of said clerk will be performed by the recorder of said court without additional compensation to him other than the salary then being paid said recorder.

SEC. 4. Before entering upon the discharge of his duties, the clerk of said court shall give official bond in the penal sum of one thousand dollars ($1,000.00), conditioned as provided by law in such cases, which bond shall be first approved by the Board of Commissioners of Beaufort County and shall run for the term of said clerk, not exceeding two years. Bond.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 138 **CHAPTER 45**

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE TOWN OF HIGHLANDS NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the provision of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshals or other officers or employees of the Town of Highlands, except that the mayor and the members of the board of aldermen shall be qualified voters of the municipality. G. S. § 160-20, requiring certain officers to be qualified voters, made inapplicable to certain officers, Town of Highlands.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 140 **CHAPTER 46**

AN ACT AMENDING VARIOUS PUBLIC-LOCAL LAWS APPLICABLE ONLY TO GUILFORD COUNTY AND RELATING TO DOG TAGS, RURAL FIRE PROTECTION AND THE ACCEPTANCE OF DEEDS IN PAYMENT OF DELINQUENT TAXES, REPEALING A PUBLIC-LOCAL ACT APPLICABLE ONLY TO GUILFORD COUNTY RELATING TO THE OFFICE OF AUDITOR, AND REPEALING CHAPTER 656 OF THE PUBLIC LAWS OF 1907 ENTITLED, "AN ACT TO PAY THE REGISTRAR AND JUDGES OF ELECTION IN GUILFORD COUNTY."

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 523, Public-Local Laws, 1919, as to issuance of dog tags, Guilford County, amended.

SECTION 1. Section 1 of Chapter 523 of the Public-Local Laws of 1919 is hereby amended by striking out the word "sheriff" in that Section and inserting in lieu thereof the words "tax supervisor."

Sec. 2, Ch. 405, Session Laws, 1945, amended, as to rural fire equipment.

SEC. 2. Section 2 of Chapter 405 of the Session Laws of 1945 is hereby amended by striking out the words "one thousand nine hundred and forty-eight," and inserting in lieu thereof the words "one thousand nine hundred and fifty-two."

Sec. 5, Ch. 405, Session Laws, 1945, amended, extending time for purchase of fire equipment.

SEC. 3. Section 5 of Chapter 405 of the Session Laws of 1945 is hereby amended by striking out the words "one thousand nine hundred and forty-eight" and inserting in lieu thereof the words "one thousand nine hundred and fifty-two."

Sec. 1, Ch. 418, Session Laws, 1943, amended, to correct law citation.

SEC. 4. Section 1 of Chapter 418 of the Session Laws of 1943 is hereby amended by striking out the words "forty-one" at the end of the Section and inserting in lieu thereof the words "thirty-nine."

Ch. 30, Public and Private Laws, 1908, creating Auditor's Office, repealed.

SEC. 5. Chapter 30 of the Public and Private Laws of the Extra Session of 1908 entitled, "An Act to Create and Establish an Auditor's Office in Guilford County" is hereby repealed.

Ch. 656, Public Laws, 1907, as to pay of election officials, repealed.

SEC. 6. Chapter 656 of the Public Laws of 1907 entitled "An Act to Pay the Registrar and Judges of Election in Guilford County" is hereby repealed.

SEC 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 143 **CHAPTER 47**

AN ACT TO REGULATE AND FIX THE FEES OF JURORS IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

G. S. § 9-5, amended as to jurors fees, Chatham County.

All jurors in the Superior Court of Chatham County, including special veniremen and tales jurors, shall receive fees for their services of five dollars ($5.00) per day and mileage at the rate of ten cents (10c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public traveling.

Per diem and mileage.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first of July, 1947.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 150 **CHAPTER 48**

AN ACT TO PROVIDE A MORE UNIFORM REPRESENTATION OF THE PEOPLE OF HARNETT COUNTY ON THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of electing its county commissioners, the County of Harnett is hereby divided into five districts, as follows:

Districts created for electing Commissioners, Harnett County.

(1) District one shall consist of Averasboro Township;

Districts defined.

(2) District two shall consist of Duke and Grove Townships;

(3) District three shall consist of Black River, Neill's Creek, Hector's Creek, and Buckhorn Townships;

(4) District four shall consist of Lillington, Stewart's Creek, and Anderson's Creek Townships;

(5) District five shall consist of Upper Little River, Barbecue, and Johnsonville Townships.

Nomination of candidates for Commissioners.

SEC. 2. At the convention or primary for the nomination of county officers and members of the General Assembly next following the passage of this Act, and biennially thereafter, there shall be nominated by each political party one candidate for membership on the board of county commissioners from each of the five districts designated in Section 1 of this Act. The candidates so nominated from each district shall be voted on in the general election by the qualified voters of Harnett County, and the candidate from each district who shall receive the largest number of votes at the general election from the county at large shall be declared elected to serve as a member of the board of county commissioners from his district.

Election.

Results declared.

Terms.

SEC. 3. The term of office of the members of the board of county commissioners shall be for a term of two years, and until their successors are elected and qualified, the first term to commence on the first Monday in December, 1948.

Appointment of Commissioners for districts having no representative.

SEC. 4. In the event any district as set up in Section 1 of this Act should not be represented on the Board of Commissioners of Harnett County by reason of the failure of any person from the district to become a candidate, or for any other reason, then in such event the Clerk of the Superior Court of Harnett County shall appoint some competent and qualified person from the district which has no representative, such person to serve as a member of the Board of Commissioners of Harnett County until his successor is elected and qualified.

Application of Act.

SEC. 5. This Act shall apply to Harnett County only.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

H. B. 176 **CHAPTER 49**

AN ACT TO AUTHORIZE THE TOWN OF SNOW HILL TO SELL ITS INTEREST IN CERTAIN LANDS AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Sale of certain land by Town of Snow Hill, authorized.

SECTION 1. That the governing body of the Town of Snow Hill is hereby authorized to sell and release at private sale any interest the Town of Snow Hill has in all of that portion of Harper Street lying on the north side of Third Street and ex-

tending to the southern curb line of Second Street, and which is further bounded on the West by the lands of L. W. Edwards, and on the East by the lands of J. H. Harper and others. Description.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

S. B. 39 **CHAPTER 50**

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENTS FOR TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 105-278, as amended by Chapter 5 of the Session Laws of 1945 (G. S. 105-278, 1945 Cumulative Supplement to the General Statutes) be, and the same hereby is, amended by adding at the end of said Section the following: G. S. § 105-278, as amended, further amended.

Provided, further, that the boards of commissioners of the various counties of the State may, in their discretion, defer or postpone revaluation and reassessment of real property for the years 1947 and 1948. Whenever revaluation is had, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both. Extension of time for quadrennial tax assessment of real property, authorized. Methods of revaluation.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 12 CHAPTER 51

AN ACT TO AMEND CHAPTER 140 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1941 BY REWRITING SECTION 2 THEREOF.

The General Assembly of North Carolina do enact:

Ch. 140, Public-Local Laws (semble), 1941, amended.

SECTION 1. Chapter 140 of the Public-Local and Private Laws of 1941 is hereby amended by rewriting Section 2 thereof so as to read as follows:

Special tax levy for salary and expenses, farm and home demonstration agents, Pender County.

SEC. 2. The Board of County Commissioners of Pender County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the home demonstration agents and assistant home demonstration agents, together with the necessary expenses incident to the performance of their work.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 16 CHAPTER 52

AN ACT TO AMEND GENERAL STATUTES 152-5 RELATING TO THE FEES OF CORONERS AS IT AFFECTS PENDER COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 152-5, amended as to fees of Coroner, Pender County.

SECTION 1. Section 152-5 of the General Statutes is hereby amended by rewriting the second paragraph thereof so as to read as follows:

For holding an inquest over a dead body, ten dollars ($10.00); if necessarily engaged more than one day, for each additional day, ten dollars ($10.00).

Application of Act.

SEC. 2. This Act shall apply only to Pender County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 40 CHAPTER 53

AN ACT RELATING TO THE FEES OF JURORS IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All jurors in the Superior and Recorder's Courts of Caldwell County shall receive fees for their services of five dollars ($5.00) per day while attending court in the performance of their duties as such jurors, and in addition thereto, shall receive mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home for each trip required to be made in carrying out their duties as such jurors.

Fees of jurors, Caldwell County.

Per diem.

Mileage.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 50 CHAPTER 54

AN ACT TO PERMIT THE GOVERNING BODY OF THE CITY OF SHELBY TO ESTABLISH A SYSTEM OF PARKING METERS AND TO USE THE PROCEEDS FROM SAME FOR THE MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of regulation and limitation of vehicular traffic and parking in the City of Shelby, the governing body of the City of Shelby is authorized and empowered, in its discretion, to enact ordinances providing for a system of parking meters in said City of Shelby which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicles or motor vehicles for stipulated periods of time in those areas in said City of Shelby in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

System of parking meters, City of Shelby, authorized.

Amount of deposit for parking.

SEC. 2. The proceeds derived from the use of such parking meters in the City of Shelby shall be set up and maintained in a special account and fund and used exclusively for the estab-

Use of proceeds.

lishment and maintenance of such parking meters and for making such regulation effective; and in addition thereto, said proceeds shall be used for the establishment, maintenance and operation of any and all recreational facilities of the City of Shelby, including playgrounds, recreation centers and the acquisition of lands or buildings for such purposes.

Validity not affected by G. S., Ch. 20 or Ch. 136.

SEC. 3. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters established in the City of Shelby or the fees required in the use thereof.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 5. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 81 **CHAPTER 55**

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF J. K. DIXON, SR., A JUSTICE OF THE PEACE OF JONES COUNTY.

Preamble: J. K. Dixon, Sr., duly commissioned Justice of Peace, Jones County.

WHEREAS, J. K. Dixon, Sr., of Trenton, Jones County, was prior to August 13th, 1944, a duly constituted and commissioned justice of the peace; and

Expiration of commission.

WHEREAS, his commission expired on August 13th, 1944, and through inadvertence he failed to renew the said commission until July 28th, 1945: *Now, therefore,*

The General Assembly of North Carolina do enact:

Official acts of J. K. Dixon, Sr., J. P., of Trenton, Jones County, validated.

SECTION 1. All official acts of J. K. Dixon, Sr., a Justice of the Peace of Trenton, Jones County, done or performed by him during the period from August 13th, 1944, to July 28th, 1945, both inclusive, are hereby validated and given full force and effect.

Pending litigation not affected.

SEC. 2. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 89 **CHAPTER 56**

AN ACT TO AMEND SECTIONS 113-54 AND 113-56 OF THE GENERAL STATUTES, RELATING TO THE DUTIES OF FOREST WARDENS AND PROVIDING FOR THE EXPENSES THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 113-54 of the General Statutes be, and the same hereby is, amended to read as follows: G. S. § 113-54, amended.

113-54. Duties of forest wardens; payment of expenses by State and counties. Forest wardens shall have charge of measures for controlling forest fires; shall make arrests for violation of forest laws; shall post along highways and in other conspicuous places copies of the forest fire laws and warnings against fires, which shall be supplied by the State Forester; shall patrol and man lookout towers and other points during dry and dangerous seasons under the direction of the State Forester, and shall perform such other acts and duties as shall be considered necessary by the State Forester for the protection of the forested area of each of the counties within the State from fire. No county may be held liable for any part of the expenses thus incurred unless specifically authorized by the board of county commissioners under prior written agreement with the State Forester; appropriations for meeting the county's share of such expenses so authorized by the board of county commissioners shall be provided annually in the county budget. For each county in which financial participation by the county is authorized, the State Forester shall keep or cause to be kept an itemized account of all expenses thus incurred and shall send such accounts periodically to the board of county commissioners of said county; upon approval by the board of the correctness of such accounts, the county commissioners shall issue or cause to be issued a warrant on the county treasury for the payment of the county's share of such expenditures, said payment to be made within one month after receipt of such statement from the State Forester. Appropriations made by a county for this cooperative forest fire control work are not to replace State and Federal funds which may be available to the State Forester for the work in said county, but are to serve as a supplement thereto.

Duties of forest wardens.

Liability of counties for expenses of fire wardens.

Appropriations.

Accounts by State Forester.

Warrants for payment of county's share of expense.

County appropriations supplemental to State and Federal funds.

G. S. § 113-56, amended as to pay of forest wardens.

SEC. 2. That Section 113-56 of the General Statutes be, and the same hereby is, amended by striking out the words "not to exceed the sum of thirty cents (30c) per hour" in lines 3 and 4.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 103 CHAPTER 57

AN ACT GRANTING AUTHORITY TO THE TOWN OF HERTFORD TO PRIVATELY LEASE PROPERTY HELD BY IT FOR PUBLIC USE.

Preamble:

Cold storage room operated by Town of Hertford.

WHEREAS, the Town of Hertford is operating a cold storage room at the town ice, water, and light plant, for the use of the general public, at a nominal charge for items stored in said room; and

Extra burden on town employee in charge of room.

WHEREAS, it has heretofore been necessary to have a town employee in charge of said room whose time is amply taken with other duties to be performed for the said town, thereby creating an extra burden upon said employee; and

Public cold storage facilities offered by private corporation.

WHEREAS, the Hertford Locker and Packing Company, Inc., a corporation duly organized and doing business under the laws of North Carolina, is constructing a freezer locker and processing plant on property immediately adjoining the town property, and abutting the town ice, water, and light plant, and will offer to the public cold storage and packing facilities; and

Town of Hertford anxious to lease cold storage room to private company.

WHEREAS, the Town of Hertford is anxious to lease the said cold storage room to the said Hertford Locker and Packing Company, Inc., to be operated by the said Hertford Locker and Packing Company, Inc., as a cold storage room for the use of the general public, at a nominal charge for items stored: *Now, therefore,*

The General Assembly of North Carolina do enact:

Town of Hertford authorized to lease cold storage room to private corporation.

SECTION 1. That the Town of Hertford is hereby given the authority to privately lease to the Hertford Locker and Packing Company, Inc., its cold storage room, located on the southeastern side of its ice, water, and light plant, upon terms and conditions as agreed upon by the Commissioners of the Town of Hertford.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 107 CHAPTER 58

AN ACT TO AMEND CHAPTER 71 OF THE PRIVATE LAWS OF 1872-1873, BEING AN ACT TO INCORPORATE MOORESVILLE IN THE COUNTY OF IREDELL AND TO MAKE AND DESIGNATE THE INTERSECTION OF MAIN STREET AND CENTER AVENUE THE CENTER OF THE TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section IV of Chapter 71 of the Private Acts of 1872-1873 be amended to read as follows: Sec. IV, Ch. 71, Private Laws, 1872-73, amended, fixing corporate limits, Mooresville.

That the corporate limits of said town shall be one (1) mile every way from the center of the intersection of Main Street and Center Avenue.

SEC. 2. That the markers or monuments heretofore erected around the perimeter of said town are hereby declared to be the official corporate limits of the Town of Mooresville, North Carolina. Markers declared official corporate limits.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 111 CHAPTER 59

AN ACT TO REGULATE FIXED FEES OF JURORS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows: G. S. § 9-5, amended as to fees of jurors, Hertford County.

Per diem.

Mileage.

All jurors in the Superior Court of Hertford County, including special veniremen and tales jurors, shall receive fees for their services of five dollars ($5.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public traveling.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the first of July, 1947.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 114 **CHAPTER 60**

AN ACT TO AMEND CHAPTER 909 OF THE SESSION LAWS OF 1945 TO RE-DISTRICT WASHINGTON COUNTY FOR THE PURPOSE OF NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 909, Session Laws, 1945, amended.

SECTION 1. That Section 1 of Chapter 909 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the entire Section and inserting in lieu thereof the following:

Districts established for nomination and election of Commissioners, Washington County.

Districts defined.

For the purpose of the nomination and election of Members of the Board of Commissioners for the County of Washington, the said county is hereby divided into four districts. Said districts shall be denominated as "District No. 1," "District No. 2," "District No. 3," and "District No. 4." District No. 1 shall include and consist of Plymouth Township; District No. 2 shall include and consist of Lees Mill Township; District No. 3 shall include and consist of Skinnerville Township; and District No. 4 shall include and consist of Scuppernong Township.

Sec. 3, amended.

SEC. 2. That Section 3 of Chapter 909 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the entire Section and inserting in lieu thereof the following:

Nomination of candidates for members of Board of Commissioners.

Qualifications.

In all primary elections held hereafter for the nomination of candidates for Members of the Board of Commissioners for the County of Washington, there shall be nominated two candidates from District No. 1, and one candidate each from Districts Nos. 2, 3 and 4, respectively, as said districts are set up, created and defined in Section 1 hereof. All persons becoming candidates for

nomination and election as members of said board shall have the qualifications now provided by law, and shall be residents of the district in which such persons are candidates. In all primary elections held hereafter for nomination of members of the said board, the candidates for nomination in each of the said districts shall be voted upon by the qualified and registered voters of the district of such candidates only, and the result shall be determined by the number of votes cast for each candidate in the district only in which such persons are candidates.

Determination of results in primary.

SEC. 3. That Section 4 of Chapter 909 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the entire Section and inserting in lieu thereof the following:

Sec. 4, amended.

In all general elections held hereafter for the election of Members of the Board of Commissioners for the County of Washington, the two candidates of each political party for Members of the Board of Commissioners for the County of Washington in District No. 1, and each candidate of each political party for members of the said board in Districts Nos. 2, 3 and 4, respectively, being such persons as shall be declared to be the nominees of their respective political parties in the manner provided by the election laws relating to primary elections, shall be voted upon in the entire county. The two candidates receiving the largest number of votes cast for the candidates from District No. 1, the one candidate receiving the largest number of votes cast for the candidates from District No. 2, the one candidate receiving the largest number of votes cast for the candidates from District No. 3, and the one candidate receiving the largest number of votes cast for the candidates from District No. 4, shall be declared duly elected Members of the Board of Commissioners for the County of Washington and shall constitute its membership.

Election of Commissioners, Washington County.

Determination of results.

SEC. 4. That Section 5 of Chapter 909 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the entire Section and inserting in lieu thereof the following:

Sec. 5, amended

For the purpose of holding and conducting primary elections and general elections hereafter in Washington County the said county shall be divided into precincts in such manner so that no one precinct shall include and embrace more than one district or part of one district thereof, of the districts as set out and defined in Section 1 hereof; it being the purpose of this Section that no two districts or parts of two districts shall be included and embraced in any one precinct.

Division of County into precincts.

Method of division.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 6. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 119 CHAPTER 61

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 7-70, amended, as to Superior Court terms, Bertie County.

SECTION 1. That Section 7-70 of the General Statutes of North Carolina is amended by striking out the words, "Bertie—Third Monday before the first Monday in March, to continue for one week for the trial of both criminal and civil cases;" and inserting in lieu thereof the following:

Bertie—Third Monday before the first Monday in March, to continue for two weeks for the trial of both criminal and civil cases.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 120 CHAPTER 62

AN ACT TO VALIDATE CERTAIN DEEDS OF REVOCATION OF CONVEYANCES OF FUTURE INTEREST TO PERSONS NOT IN ESSE, UNDER THE PROVISIONS OF GENERAL STATUTES 39-6.

The General Assembly of North Carolina do enact:

Deeds revoking conveyances of future interests to persons not in esse, in conflict with G. S. § 39-6, validated.

SECTION 1. All deeds or instruments heretofore executed, revoking any conveyance of future interest made to persons not in esse, are hereby validated insofar as any such deed of revocation may be in conflict with the provisions of General Statutes 39-6.

All such deeds of revocation heretofore executed are hereby validated and no such deed of revocation shall be held to be invalid by reason of not having been executed within the six-month period prescribed in the third proviso of General Statutes 39-6.

Revocation deeds not invalid by failure of execution within prescribed time period.

Provided that the provisions of this Act shall not affect pending litigations.

Pending litigation not affected.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 122 CHAPTER 63

AN ACT TO PROVIDE FOR AN ADDITIONAL EXPENSE ALLOWANCE FOR THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS OF LENOIR COUNTY; TO FIX THE SALARY OF THE RECORDER OF THE RECORDER'S COURT FOR LAGRANGE AND MOSELEY HALL TOWNSHIP, AND TO FIX THE COMPENSATION PAID TO MEMBERS OF THE BOARD OF COMMISSIONERS FOR LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 820 of the Session Laws of 1945 be, and the same hereby is, amended by striking out in Section 2 the words and figures "one hundred fifty-one dollars sixty-six cents ($151.66)," fixing the expense allowance of the Clerk of the Superior Court, and substituting in lieu thereof the words and figures "three hundred twenty-five dollars ($325.00)."

Ch. 820, Session Laws, 1945, amended, as to expense allowance of C. S. C., Lenoir County.

SEC. 2. That said Chapter 820 be further amended by striking out in Section 3 the words and figures "one hundred seventy-five dollars ($175.00)," fixing the expense allowance of the register of deeds, and substituting in lieu thereof the words and figures "three hundred twenty-five dollars ($325.00)."

Ch. 820, further amended, as to expense allowance of Register of Deeds.

SEC. 3. That the salary of the Recorder of the Recorder's Court for the Town of LaGrange and Moseley Hall Township in Lenoir County, created by Chapter 640 of the Public-Local Laws of 1915, shall be one hundred dollars ($100.00) a month in lieu of the present salary of seventy-five dollars ($75.00) a month paid said recorder.

Salary of Recorder, Recorder's Court for Town of LaGrange and Moseley Hall Township.

Compensation of County Commissioners, Lenoir County.

SEC. 4. That Section 1 of Chapter 296 of the Session Laws of 1943, fixing the compensation of the Chairman and Members of the Board of County Commissioners for Lenoir County, be, and the same hereby is, amended by striking out the words and figures "twenty-five dollars ($25.00) per month," and substituting in lieu thereof the words and figures "fifty dollars ($50.00) per month."

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. That the provisions of this Act shall be in effect from and after February 1st, 1947.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 134 CHAPTER 64

AN ACT REGULATING THE SALARY AND COMPENSATION OF THE CLERK OF THE RECORDER'S COURT OF AURORA IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County Commissioners authorized to fix salary of Clerk, Recorder's Court of Aurora.

Limitation.

SECTION 1. In lieu of all other compensation now being paid the Clerk of the Recorder's Court of Aurora, the Board of Commissioners of Beaufort County may fix a monthly salary to be paid such officer, which monthly salary shall at no time exceed the salary being paid the recorder of said court, and may regulate such salary from term to term in such manner as will reasonably compensate said clerk for all duties performed by him incident to said office.

Authority to discontinue office of clerk.

On discontinuance, clerk's duties performed by recorder.

SEC. 2. If, at any time, in the opinion of the Board of Commissioners of Beaufort County, the duties of the office of Clerk of the Recorder's Court of Aurora do not justify its continuance, it may discontinue the same for such period as it deems advisable, in which event and during which period, the duties of said clerk will be performed by the recorder of said court without additional compensation to him other than the salary then being paid said recorder.

Bond of clerk.

SEC. 3. Before entering upon the discharge of his duties, the clerk of said court shall give official bond in the penal sum of one thousand dollars ($1,000.00), conditioned as provided by law in such cases, which bond shall be first approved by the Board of Commissioners of Beaufort County and shall run for the term of said clerk, not exceeding two years.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 151 CHAPTER 65

AN ACT TO FIX THE FEES OF JURORS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All jurors in the Superior Court of Cherokee County other than special veniremen and tales jurors shall receive the sum of three dollars and fifty cents ($3.50) per day for jury service, and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home; and except as herein provided, the fees of jurors shall remain as fixed by the General Statutes of North Carolina. Fees of jurors, Superior Court, Cherokee County. Per diem and mileage.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act and all Public Laws and Public-Local Laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 156 CHAPTER 66

AN ACT TO PERMIT THE GOVERNING BODY OF THE TOWN OF LAURINBURG TO ESTABLISH A SYSTEM OF PARKING METERS AND TO USE THE PROCEEDS FROM SAME FOR THE MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of regulation and limitation of vehicular traffic and parking in the Town of Laurinburg, the governing body of the Town of Laurinburg is authorized and empowered, in its discretion, to enact ordinances providing for System of parking meters authorized, Town of Laurinburg.

a system of parking meters in said Town of Laurinburg which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicles or motor vehicles for stipulated periods of time in those areas in said Town of Laurinburg in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

Limit on deposit.

Use of proceeds.

SEC. 2. That proceeds derived from the use of such parking meters in the Town of Laurinburg shall be set up and maintained in a special account and fund and used for the establishment and maintenance of such parking meters and for making such regulations effective; and in addition thereto, said proceeds may be used for any general municipal purpose that may be designated by the governing body of said Town of Laurinburg, which may include the establishment, maintenance and operation of any and all recreational facilities of the Town of Laurinburg, including playgrounds, recreation centers, and the acquisition of land or buildings for such purposes.

Effect of G. S., Ch. 20 and Ch. 136.

SEC. 3. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters established in the Town of Laurinburg or the fees required in the use thereof.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 5. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 157 **CHAPTER 67**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY TO REVALUATE PROPERTY FOR TAXATION.

The General Assembly of North Carolina do enact:

Revaluation of property for taxation, Warren County, authorized.

SECTION 1. That the Board of County Commissioners of Warren County is hereby authorized to revalue by horizontal increase or reduction or by actual appraisal thereof, or both, all property, real and personal, subject to taxation which is required to be listed in 1947.

SEC. 2. The action by the Board of County Commissioners of Warren County in revaluing property required to be listed in 1947 by a horizontal increase of ten per cent (10%) is hereby ratified. **Horizontal ten per cent increase, 1947, validated.**

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 159 CHAPTER 68

AN ACT TO PREVENT THE DEPOSITING OF TRASH, TIN CANS AND LITTER UPON THE LANDS OF ANOTHER IN WAKE COUNTY WITHOUT WRITTEN CONSENT.

The General Assembly of North Carolina do enact:

SECTION 1. Any person, not being on his own lands, who shall deposit any trash, debris, garbage, junk, tin cans, litter, or refuse materials of any kind or description upon the lands of another without the written consent of the owner shall be guilty of a misdemeanor and upon conviction fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days. **Unauthorized deposit of debris on lands of another, made misdemeanor.**

SEC. 2. That this Act shall apply to Wake and Duplin Counties only. **Applicable only to Wake and Duplin Counties.**

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 4. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. **Emergency declared.**

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

H. B. 183 CHAPTER 69

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BUNN IN FRANKLIN COUNTY AND PROVIDE FOR THE BIENNIAL ELECTION OF THE MAYOR AND COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 214, Private Laws, 1913, amended.

SECTION 1. That Chapter 214, Private Laws of 1913 be, and the same is hereby amended by striking out the words "and annually thereafter" in Section 4 thereof, and by striking out the period at the end of said Section 4 and inserting in lieu thereof a colon, and adding the following:

Election of mayor and commissioners, Town of Bunn.

Provided, that at the election to be held on the first Monday in May, 1947, a mayor and four commissioners shall be elected to serve for a term of two years, or until their successors shall be qualified; and subsequent elections for mayor and commissioners shall be held on the first Monday in May, 1949, and biennially thereafter.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

S. B. 68 CHAPTER 70

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF RALEIGH UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Election directed on question of city manager form of government for Raleigh.

SECTION 1. That within five days after the ratification of this Act, the County Board of Elections of Wake County shall call an election as provided by Chapter 160, Section 160-298, of the General Statutes of North Carolina, in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the City of Raleigh had been filed calling for such election, which election shall be held within forty days after the ratification of this Act; and at said election there shall be submitted for determination by the qualified voters of the City of Raleigh voting in such election the question of the adoption (in lieu of the present form of government) of a form of government for the City of Raleigh defined as "Plan D" as provided by Part

4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council, and a city manager.

Advertisement and conduct of election.

SEC. 2. That the said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter 160 of the General Statutes of North Carolina; and the first election of officers next succeeding the adoption of said "Plan D" form of government, as amended by this Act, shall be held in the manner and at the time prescribed in Part 3, Article 21, Chapter 160 of the General Statutes of North Carolina; *provided, however,* that in the event said "Plan D" form of government, as amended by this Act, shall be adopted at such election, said form of government shall become effective and the municipal year shall begin on the first day of July, 1947, and in lieu of the time for the councilors-elect to qualify as prescribed by Section 160-307 and Section 160-341 of Chapter 160 of the General Statutes of North Carolina, the councilors-elect shall on the first day of July, 1947, and biennially thereafter, meet and be sworn to the faithful discharge of their duties, and their terms of office shall then begin.

Election of officers after adoption of "Plan D."

Effective date of new form government.

Qualification of councilors-elect.

Powers, duties and functions of Board of Commissioners vested in Council.

SEC. 3. That in the event that said "Plan D" form of government, as amended by this Act, shall be adopted at such election, all powers, duties, functions and authority vested by statute in the Board of Commissioners of the City of Raleigh, howsoever designated, or in the several commissioners thereof, howsoever designated, shall, upon and after the first day of July, 1947, be vested in the governing body of the City of Raleigh as constituted by "Plan D," Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, and shall be performed, exercised and administered by the city council or the city manager in accordance with the terms and provisions of said "Plan D," Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act.

Functions exercised by council or city manager.

Right to employ and discharge certain officials reserved to council.

SEC. 4. That notwithstanding the provisions of Section 3 of this Act or the provisions of Section 160-350 of Chapter 160 of the General Statutes of North Carolina, in the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the city council shall appoint and employ, and may discharge and remove, the city treasurer, the auditor or such public accountants as may be deemed proper, the City Attorney, the Prosecuting Attorney, the Substitute Judge and the Clerk of the City Court of Raleigh, and the city council shall likewise appoint the Members of the Raleigh City Administrative School Unit and such other board, commission or committee members as now are appointed by the Board of Commissioners of the City of Raleigh.

Civil Service Acts applicable to Raleigh continued in full force and effect.

SEC. 5. That in the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, Chapter 50 of the Private Laws of North Carolina, 1935, relating to the Civil Service Commission for the Fire Department and Police Department of the City of Raleigh, and Chapter 293 of the Public-Local Laws of North Carolina, 1939, relating to the Civil Service Commission for City Employees of the City of Raleigh other than Police and Fire Departments, shall remain in full force and effect, except that any members of either of said civil service commissions provided by law to be nominated or appointed by the City Commissioners or the Board of Commissioners of the City of Raleigh, howsoever designated, shall be nominated or appointed by the city council; but the city manager shall be appointed and removed in accordance with the provisions of Section 160-348 of Chapter 160 of the General Statutes of North Carolina.

Appointment of certain Civil Service Commission members by council.

Appointment and removal of city manager.

Council composed of seven members.

SEC. 6. That notwithstanding the provisions of Section 160-340 of Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, in the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the city council shall consist of seven members, who shall be elected at large by and from the qualified voters of the city for a term of two years and until their successors are elected and qualified; *provided that*, wherever, under the provisions of Chapter 160 of the General Statutes of North Carolina, the vote or presence of at least three members of the city council is required for action by the council, such provisions are hereby amended to require the vote or presence of at least four members for action by the City Council of the City of Raleigh.

Election at large.

Terms.

Number of councilors required for action.

Nomination and election of councilors.

SEC. 7. That in the event said "Plan D" form of government, as amended by this Act, shall be adopted at such election, the nomination and election of City Councilors of the City of Raleigh shall be conducted in accordance with existing laws providing for the nomination and election of elective officers of the City of Raleigh, except, however, that in lieu of the election of a mayor and commissioners there shall be elected seven city councilors from among the candidates for the office of city councilor. The ballots, balloting and all voting procedure provided in existing laws relating to municipal elections of the City of Raleigh shall apply and be effective as to said election to the extent applicable, so as to provide for the nomination and election of a city council as provided for under "Plan D," Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act; *provided, however*, that the fourteen candidates for city councilor receiving the largest number of votes in the primary election shall be the nominees whose names shall be placed upon the ballots for city councilors at the next succeeding general municipal election, and the seven

Application of existing laws.

Primary election.

candidates receiving the largest number of votes in said general municipal election to be held on Tuesday after the first Monday in May, 1947, and every two years thereafter, shall be declared city councilors; *provided, further,* that in the event fourteen or a less number of candidates should file for the office of city councilor, the county board of elections may, at the expiration of the time for filing, declare said candidates to be the only nominees for city councilors to be voted upon at the general election, and shall declare that no primary election shall be held as to city councilors.

General municipal election.

No primary when less than 14 candidates file for office.

SEC. 8. That this Act shall apply only to the City of Raleigh, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed.

Application of Act.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1947.

S. B. 5 **CHAPTER 71**

AN ACT TO AMEND THE LAW PROVIDING FOR THE FORM OF OATH REQUIRED OF JURY OFFICERS, AMENDING G. S. 11-11.

The General Assembly of North Carolina do enact:

SECTION 1. That the form of oath provided for a jury officer in G. S. 11-11 is hereby amended to read as follows:

G. S. § 11-11, amended.

Jury—Officer of

You swear (or affirm) that you will keep every person sworn on this jury in some private and convenient place when in your charge. You shall not suffer any person to speak to them, neither shall you speak to them yourself, unless it be to ask them whether they are agreed in their verdict, but with leave of the court; so help you, God.

Oath of jury officer.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

S. B. 28 CHAPTER 72

AN ACT AUTHORIZING CERTAIN DEDUCTIONS IN VALUING THE STOCK OF BANKS FOR BANKS NOT ACTUALLY ENGAGED IN BUSINESS ON THE FIRST DAY OF THE TAXING YEAR, AMENDING G. S. 105-346.

The General Assembly of North Carolina do enact:

G. S. § 105-346, amended.

SECTION 1. That G. S. 105-346 be, and the same hereby is, amended by adding at the end of Subsection 3 thereof, the following:

Banks beginning business after Jan. 1, authorized to make certain deductions in valuing bank stocks.

Any bank which had not actually begun business prior to the first day of January in any year may make the deductions provided for under this Subsection acquired up to the last date authorized for making the report provided for in Sub-section 1 hereof. This provision shall be applicable to any bank which began business after the first day of January, 1945.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

S. B. 40 CHAPTER 73

AN ACT AMENDING THE CHARTER OF THE CITY OF GASTONIA, GASTON COUNTY, EXTENDING AND ENLARGING THE CORPORATE LIMITS THEREOF AND PROVIDING FOR A SPECIAL ELECTION TO RATIFY SAME.

The General Assembly of North Carolina do enact:

Sec. 3, Ch. 199, Private Laws, 1913, amended.

SECTION 1. That Section 3 of Chapter 199 of the Private Laws of 1913, as amended, commonly known as the Charter of the City of Gastonia, be and the same is hereby amended to read as follows:

Corporate limits of Gastonia extended.

That the corporate limits of the City of Gastonia shall be all of the territory embraced within the following boundaries:

Boundaries of city defined.

Beginning at a concrete monument one and three-fourths miles due North of the crossing of the Southern Railway tracks and the Carolina and Northwestern Railway tracks in the present City of Gastonia, running thence due West forty-eight hundred (4,800) feet to a concrete monument; thence South

sixty (60) degrees West eleven thousand six hundred and forty (11,640) feet to a concrete monument; thence due South ninety-one hundred (9,100) feet to a concrete monument; thence South sixty (60) degrees East eleven thousand six hundred and forty (11,640) feet to a concrete monument; thence due East sixty-nine hundred (6,900) feet to a concrete monument; thence North sixty (60) degrees East eleven thousand six hundred and forty (11,640) feet to a concrete monument; thence due North ninety-one hundred (9,100) feet to a concrete monument; thence North sixty (60) degrees West eleven thousand six hundred and forty (11,640) feet to a concrete monument; thence due West twenty-one hundred (2,100) feet to the beginning.

Extension of limits subject to referendum.

SEC. 2. That this amendment shall become effective at the time hereafter specified, only when and if ratified by a majority of the qualified voters in the territory described in Section 1 above at an election which shall be held at the call of the City Council of the City of Gastonia within two years of the ratification of this Act. The said election shall be called by said city council by appropriate proceedings and be held within the time above mentioned and conducted in accordance with the laws governing municipal elections for the City of Gastonia, and all details of said election shall be fixed by the City Council of Gastonia consistent with such laws and the provisions of this Act; except that the ballots to be used in said elections shall have written or printed thereon the words "For Amendment Extending Corporate Limits" and "Against Amendment Extending Corporate Limits." Said city council may in its discretion order a new or special registration of all the qualified voters in the territory described in Section 1 hereof, and for said new registration and said special election appoint one or more registrars and judges of election, or said city council may allow all persons qualified to vote at municipal elections in the City of Gastonia to vote at said special election without registering anew and require all persons in the territory described in Section 1 hereof, not so qualified, to register as a prerequisite to voting at said special election. At said election the city council may designate only one balloting place, or more than one, as they see fit.

Call of election.

Conduct of election.

Form of ballots.

Special election authorized.

Designation of balloting place.

Effective date of extension, upon favorable vote.

SEC. 3. If a majority of the qualified voters shall vote in favor of the amendment extending the corporate limits of the City of Gastonia at an election held under the provisions of this Act, such extension shall become effective as of December 31st, 1948, and on said date such limits shall be extended and all the territory embraced within the corporate limits of the City of Gastonia as defined and set forth in Section 1 hereof shall become and constitute the corporate limits of the City of Gastonia.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

S. B. 53 CHAPTER 74

AN ACT TO AMEND CHAPTER 345 OF THE PRIVATE LAWS OF 1909 RELATING TO THE CHARTER OF THE CITY OF SOUTHPORT AND AUTHORIZING AND EMPOWERING THE BOARD OF ALDERMEN AND MAYOR OF THE CITY OF SOUTHPORT TO SELL LANDS AT PRIVATE SALE AND VALIDATE SALES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 345, Private Laws, 1909, amended.

SECTION 1. That Section 1 of Chapter 345 of the Private Laws of 1909 be, and the same is hereby amended, by adding at the end of said Section the following:

City of Southport authorized to sell lands at private sale.

A. That the City of Southport is hereby authorized, empowered, and vested with the authority to sell and convey at private sale for cash, or on such terms as the governing body may determine, any and all real estate owned by the city, which has been acquired by tax foreclosure proceedings, or otherwise, except such land being used at the time of the sale for governmental purposes. *Provided,* that said sale or contract therefor may be made only at a regular meeting of the governing body.

Authority to convey interest in water skirts lots.

B. That the governing body of the said city be and is hereby authorized to convey its legal and equitable interest in water skirts lots whether the same are now under lease or not at private sale on the same terms and conditions contained in Paragraph A.

Prior conveyances validated.

C. That all conveyances heretofore authorized and made by the city at private sale be and are hereby validated the same as if made after the effective date of this Act.

Conflicting laws repealed.

SEC 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 44 **CHAPTER 75**

AN ACT TO AMEND SECTION 47-41 OF THE GENERAL STATUTES RELATING TO CORPORATE CONVEYANCES SO AS TO CLARIFY THE AUTHORITY OF VICE-PRESIDENTS OF CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S. § 47-41, relating to corporate conveyances, amended.

SECTION 1. That Section 47-41 of the General Statutes relating to forms of probate for corporate conveyances be, and the same hereby is amended, by striking out the third and fourth paragraphs from the end of the Section and inserting in lieu thereof the following:

Form of certificate of acknowledgment.

If the deed or other instrument is executed by the signature of the president, vice-president, presiding member or trustee of the corporation, and sealed with its common seal and attested by its secretary or assistant secretary, the following form of proof and certificate thereof shall be deemed sufficient:

This————Day of————A.D.————, personally came before me (here give name and official title of officer who signs the certificate) A. B., who, being by me duly sworn, says that he is president (vice-president, presiding member or trustee) of the————Company, and that the seal affixed to the foregoing (or annexed) instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said A. B. acknowledged the said writing to be the act and deed of said corporation.

(Official seal) Signature of officer.

Certain corporate conveyances validated.

SEC. 2. All corporate conveyances probated and recorded prior to July 1st, 1947, which have been executed and admitted to registration in accordance with the provisions of Section 1 hereof, and which are otherwise regular, shall be, and the same hereby are declared to be in all respects validly admitted to record.

Pending litigation not affected.

SEC. 3. That this Act shall not apply to pending litigation.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after July 1st, 1947.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 101 **CHAPTER 76**

AN ACT TO FIX THE SALARY OF THE SHERIFF OF GRAHAM COUNTY AND TO ASSIGN TO THE COUNTY ACCOUNTANT THE DUTIES OF TAX COLLECTOR AND TO FIX THE COMPENSATION OF THE COUNTY ACCOUNTANT.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Graham County.

SECTION 1. The Sheriff of Graham County, in addition to any other fees or compensation paid him, shall receive a salary of three thousand and six hundred dollars ($3,600.00) per year, payable in equal monthly installments, out of general county funds, the first such installment to be due and payable as of February 1st, 1947.

Duties of tax collector assigned to County Accountant.

SEC. 2. The Sheriff of Graham County is hereby relieved of his duties as Tax Collector of Graham County and the duties of tax collector are hereby assigned to and vested in the County Accountant of Graham County, such additional duties to be performed as part of his duties as county accountant, without additional compensation, provided that nothing herein shall be construed to relieve any former sheriff of any responsibility under his official bond or otherwise in connection with the collection of taxes or settlement therefor:

No added compensation.

Effect of Act on liability of former sheriffs.

Powers and duties of County Accountant restricted.

Provided, further, that the powers and duties hereby given the county accountant under this Act shall not apply to or include tax funds or accounts for which any former sheriff or tax collector is liable or accountable under his official bond, or otherwise.

Salary of County Accountant, Graham County.

SEC. 3. As full compensation for his services the County Accountant of Graham County shall receive an annual salary of two thousand and four hundred dollars ($2,400.00).

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 131 **CHAPTER 77**

AN ACT TO AMEND CHAPTER 84, SECTION 24, OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE EXTRA LAW EXAMINATIONS IN 1947, 1948, 1949, 1950 AND 1951 TO ACCOMMODATE QUALIFIED APPLICANTS WHO SERVED IN THE ARMED FORCES IN WORLD WAR II, AND OTHERS.

The General Assembly of North Carolina do enact:

G. S. § 84-24, relating to bar examinations, amended.

SECTION 1. That Chapter 84-24 of the General Statutes of North Carolina be, and the same is hereby amended, by striking out at the end of Paragraph 4 thereof the period after the word "determined" and by substituting in lieu of said period a comma and adding the following:

Extra examinations for certain years.

Except that during the years 1947, 1948, 1949, 1950 and 1951 the board of law examiners may provide for an additional regular examination to be held in Raleigh to commence on the first Tuesday in March of each of said years or upon such other date as the board may determine after consideration of the needs of qualified applicants and issue license if otherwise qualified.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Public interest declared.

SEC. 3. The public interest requires that this Act become and it shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 139 **CHAPTER 78**

AN ACT APPLICABLE ONLY TO GUILFORD COUNTY AMENDING SECTION 153-180 OF THE GENERAL STATUTES RELATING TO FEES OF JAILERS, AMENDING SECTION 153-183 OF THE GENERAL STATUTES RELATING TO THE KEEPING OF UNITED STATES PRISONERS, AND AMENDING SECTION 143-131 OF THE GENERAL STATUTES RELATING TO THE LETTING OF CONTRACTS ON INFORMAL BIDS BY COUNTIES.

The General Assembly of North Carolina do enact:

G. S. § 153-180, amended as to jailer's fees, Guilford County.

SECTION 1. Section 153-180 of the General Statutes is hereby amended by changing the period at the end thereof to a colon and by adding thereafter the following:

Provided that in Guilford County the board of county commissioners may fix jailer's fees at any sum they see fit, not to exceed one dollar and fifty cents ($1.50) a day.

G. S. § 153-183, amended as to allowances for keeping U. S. prisoners, Guilford County.

SEC. 2. Section 153-183 of the General Statutes is hereby amended by changing the period at the end thereof to a colon and by adding thereafter the following:

Provided that in Guilford County the amount of the allowances for the maintenance of any prisoner committed to the keeper of the jail shall be fixed by contract between the United States of America and Guilford County.

G. S. § 143-131, as to letting of contracts on informal bids, Guilford County.

SEC. 3. Section 143-131 of the General Statutes is hereby amended by striking out the words and figures "two hundred dollars ($200.00)" in lines 4 and 5 of that Section and by substituting in lieu thereof the words and figures "five hundred dollars ($500.00); but this amendment shall apply only to contracts made on behalf of Guilford County."

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 160 CHAPTER 79

AN ACT TO AMEND CHAPTER 30 OF THE PRIVATE LAWS OF 1913, BEING THE CHARTER OF THE TOWN OF BESSEMER CITY, SO AS TO PROVIDE FOR THE ELECTION OF THE MAYOR OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 30, Private Laws, 1913, Bessemer City charter, amended.

SECTION 1. That Chapter 30 of the Private Laws of 1913 known as the Charter of the Town of Bessemer City, and all Acts amendatory thereof, be and the same are hereby amended as follows:

Election of Mayor, Bessemer City, by the people.

First election.

Term.

SEC. 2. That the Mayor of the Town of Bessemer City, in lieu of being appointed by the board of town commissioners as provided in Section 8 of said charter, shall be elected by the qualified voters of said town at the same time the town commissioners are elected, the first election of mayor to be held on the last Monday in June, 1947, and biennially thereafter. The candidate for mayor receiving the highest number of votes in the election shall be declared duly elected and shall serve for a period of two years and until his successor is duly elected and qualified, and the person elected mayor shall qualify as such on the first Monday in July next after his election or within ten days thereafter and should he fail to qualify within said

period the office to which he is elected shall be deemed to be vacant and the vacancy shall be filled for the unexpired term by the town commissioners.

Vacancies filled.

SEC. 3. The mayor, together with the commissioners, shall constitute the board of town commissioners as referred to in said charter of the Town of Bessemer City and the mayor shall be counted in all meetings of the board to determine a quorum of members present. The mayor shall be the presiding officer of said board of town commissioners, but shall have no vote except in case of a tie when he shall have the deciding vote. The mayor shall be the general supervisor over all departments of the town government and all officers and employees of the town and shall report to the board of town commissioners at each meeting thereof any conditions in the town which in his judgment require the attention of the board, and shall have authority to call any special meetings of the board at any time he considers it necessary.

Composition of Board of Commissioners.

Mayor—presiding officer; right to vote.

Duties of Mayor.

Power to call special meetings.

SEC. 4. That the mayor shall receive for his services as mayor the sum of one hundred and fifty dollars ($150.00) per year, payable monthly from the general funds of the town, and he shall not while serving as mayor be eligible for appointment or election to any other office under said town government.

Salary of Mayor.

Eligibility for other office.

SEC. 5. That any person desiring to become a candidate for mayor or for commissioner shall make known his intention thereof in writing to the city clerk not later than one week prior to the election and shall be required, at the time of filing his notice of candidacy, to pay to the town a filing fee of five dollars ($5.00).

Notice of candidacy for Mayor.

Filing fee.

SEC. 6. That the charter of the Town of Bessemer City and all amendments thereto not inconsistent with the provisions of this Act shall be continued in full force and effect and that all laws and clauses of laws inconsistent with this Act are hereby repealed.

Charter provisions and amendments, not inconsistent, continued in force.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 203 CHAPTER 80

AN ACT TO AMEND CHAPTER 492 OF THE PUBLIC-LOCAL LAWS OF 1929 RELATING TO THE TAX SUPERVISOR OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 492, Public-Local Laws, 1929, amended.

SECTION 1. That Section 1 of Chapter 492 of the Public-Local Laws of 1929 be, and the same is hereby, amended by adding a new sentence at the end of said Section to read as follows:

Tax supervising by member, Board of Commissioners, Cumberland County.

The duties of the tax supervisor herein provided for may be assigned to and be performed by a member of the board of county commissioners of said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 212 CHAPTER 81

AN ACT RELATING TO THE MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

Meetings of Board of Commissioners, Forsyth County.

SECTION 1. That regular meetings of the Board of Commissioners for the County of Forsyth shall be held at the courthouse on the first Monday in each month, and meetings of said board may be held at other times for the more convenient dispatch of business at the call of the chairman, or of a majority of the members of the board. Members of the board shall be given notice of special meetings. All meetings shall be public and notice of any special meetings shall be given by posting a notice at the courthouse door prior to such meeting. The board may adjourn its regular or special meetings from day to day, or to any day in the month, until the business before it is disposed of, and the members shall receive compensation at the rate of five dollars ($5.00) per diem for attending meetings. Authority is given said board of commissioners to transact any business of the County of Forsyth at any regular, special, or adjourned meeting, as herein provided for.

Notice.

Public meetings.

Adjournment of meetings.

Compensation of Commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this Act, and in particular Chapter 690 of the Public-Local Laws of 1911, and Chapter 437 of the Public Laws of 1897, and all Acts amendatory thereto, be and the same are hereby repealed.

Conflicting laws repealed.

Specific Acts repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 214 **CHAPTER 82**

AN ACT TO AMEND CHAPTER 498 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY OF SALISBURY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 498 of the Public-Local Laws of 1939 be, and the same is hereby amended by striking out the last sentence appearing in Section 1 thereof and by inserting in lieu thereof the following:

Ch. 498, Public-Local Laws, 1939, as to sales of real estate by City of Salisbury, amended.

But in either event the sale must be authorized by an ordinance adopted by the affirmative vote of all councilmen present at the meeting when said ordinance is voted upon.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

H. B. 142 **CHAPTER 83**

AN ACT CREATING A CIVIL SERVICE COMMISSION IN THE CITY OF ASHEVILLE, NORTH CAROLINA, FOR THE MEMBERS OF THE ASHEVILLE POLICE DEPARTMENT AND THE ASHEVILLE FIRE DEPARTMENT AND PRESCRIBE THE DUTIES, RESPONSIBILITIES AND QUALIFICATIONS THEREOF.

The General Assembly of North Carolina do enact:

New Civil Service Commission for police and firemen, City of Asheville.

SECTION 1. Civil Service Commission Applicable to Fire and Police Departments of the City of Asheville, Buncombe County, North Carolina; Creation and Term of Office. There is hereby created in the City of Asheville, a corporate municipality of the State of North Carolina having a full paid fire department and police department, a civil service commission which shall be composed of three persons. Those individuals serving as Civil Service Commissioners of the City of Asheville as of December 1st, 1946, are hereby appointed commissioners of the civil service commission hereby created until their successors are appointed according to the method of election and/or appointment as set forth in this Act. One member of the commission hereby created shall be selected by the governing body of the City of Asheville; one member shall be elected by the members of the classified service, i.e., members of the fire department and members of the police department in a joint election, and the person receiving a majority of the votes of the members of the classified service shall be declared elected to serve as the commissioner. The person selected by the governing body of the City of Asheville and the person selected by a majority vote of the classified service shall then select a third person within ten days after their appointment and selection, and the person agreed upon by these two so appointed and elected shall constitute the third member of said civil service commission. *Provided*, that if the two commissioners appointed and selected shall fail to agree within ten days after their appointment, then and in that event the governing body of the City of Asheville shall appoint a committee of four councilmen to meet and confer with four representatives of the classified service, two of whom shall be selected by the members of the police department and two by the members of the fire department. This joint committee shall meet within ten days and appoint a person who shall constitute the third member of said commission.

Incumbent commissioners continued in office.

Method of selecting members, new Commission.

Terms.

Selection of successors.

Vacancies filled.

The three members appointed to said commission in the manner herein prescribed shall serve in that capacity for a period of three years, or until their successors are appointed and qualified. The method of selection of their successors shall be in the exact manner as set forth for the qualification and appointment thereto as outlined in this Section of this Act. In the event of the death or resignation or disqualification of

any member of the said commission, his successor shall be selected and/or appointed by the same method as outlined herein for appointment to the commission, to the end that, should the member appointed by the governing body die, resign, or be disqualified, then and in that event the governing body shall appoint his successor; and likewise, should the member elected by the classified service die, resign, or otherwise be disqualified, then and in that event the members of said classified service by a majority vote shall select his successor; and in the event the third member of said commission should die, resign or otherwise be disqualified, then and in that event the two remaining commissioners shall select and appoint his successor by agreement and otherwise as hereinbefore provided.

Compensation.

The members of this commission shall receive for their services the sum of ten dollars ($10.00) per diem for each day's attendance upon sessions of the commission, to be paid out of the general fund of the City of Asheville.

Qualifications of Commission members.

No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the City of Asheville, North Carolina, for at least one year immediately preceding such appointment, and an elector of Buncombe County.

Removal of members.

Any member of such commission may be removed from office by the governing body for incompetency, dereliction of duty or malfeasance in office, or other good cause.

Grounds.

Provided, however, that no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full public hearing had before the governing body of the City of Asheville; *provided further,* that such removal shall be for a period of ten days, during which time the commissioner or commissioners so removed shall have the right of appeal to the Superior Court of Buncombe County, North Carolina, which court shall thereupon proceed to hear and determine such appeal; *provided, however,* that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Asheville was or was not made in good faith, for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Procedure.

Right of appeal to Superior Court.

Hearing upon appeal.

The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this Act.

Duties of members of Commission.

Two members of this commission shall constitute a quorum, and the votes of any two members of this commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under and by virtue of the provisions of this Act.

Quorum.

Required votes for action.

Confirmation of said appointment or appointments of succeeding commissioners by the legislature shall not be required.

Legislative confirmation of members not necessary.

Personnel covered by Act.

SEC. 2. Those Subject to Civil Service. The provisions of this Act shall apply to all member personnel of the Fire Department and the Police Department of the City of Asheville, North Carolina, as such, and future appointees thereto, including jailors, telephone operators, fire alarm superintendent and helper, and the chief of each department.

Application to employees in police and fire departments.

SEC. 3. Appointments, Promotions, Discharges, Etc.; How Made. The classified service and provisions of this Act shall include all full paid employees of the Fire Department and the Police Department of said City of Asheville, North Carolina. All

Appointments and promotions.

appointments to and promotions in said departments shall be made on the basis of seniority, fitness and efficiency, which shall be determined by open competitive examination and impartial investigation of those persons within the class eligible for appointment or promotion as may be determined by the following method:

Examinations.

All applicants shall take the same mental examination, and those members making a passing grade of seventy shall be declared eligible for such position or promotion, and a list

List of eligible applicants.

made in which their order of appointment shall be governed

Seniority standing.

by their order of seniority within a class of all such applicants passing said mental examination, to the end that the person making a passing grade with the greatest seniority within a class shall be number one on the eligible list for appointment; the person with the second greatest seniority shall be number two on the list of eligibles within a class, and so on down their respective sequence of seniority; and the same shall be their relative standing in order of appointment. No person shall be

Reinstatements, transfers, suspensions, discharges, subject to Act.

reinstated in, or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this Act.

Organization of Commission.

SEC. 4. Functions and Duties of the Civil Service Commission. Immediately after appointment, the commission shall organize by electing one of its members chairman and hold regular meet-

Meetings.

ings at least once a month, and such additional meetings as may be required for the proper discharge of their duties, not to exceed three days in any one calendar month.

Appointment of secretary.

They shall appoint a secretary, who shall keep the records of the commission, perserve all reports made to it, superintend

Duties.

and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Secretary from outside classified service.

The secretary may be appointed by said commission or be a member thereof, but may not be a member of the classified service. It shall be the duty of the civil service commission:

Duties of Commission.

(a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this Act, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution.

Rules and regulations.

Public distribution of rules.

(b) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or manual skill.

Nature of tests.

(c) The rules and regulations adopted by the commission shall provide for a credit of ten per cent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the Army, Navy, and Marine Corps. These credits apply to entrance examinations only.

Credit advantage granted war veterans on entrance examinations.

(d) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this Act; and ascertain whether this Act and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like deposition in civil actions in the Superior Court of North Carolina; and the oaths administered hereunder and the subpoenas issued here-

Investigations and reports.

Inspections.

Investigations mandatory upon petition of citizen stating necessity.

Powers of Commission during investigations.

Administration of oaths.

Subpoena powers.

under shall have the same force and effect as the oaths administered by the Judges of the Superior Court of North Carolina in their judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this Act, and punishable as such.

Conduct of hearings and investigations.

Practice and procedure.

(e) Hearings and Investigations; How Conducted. All hearings and investigations before the commission, or designated commissioner, shall be governed by this Act and by the rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission, or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; *provided, however*, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

Concurrence by two members required for valid order, rule, etc.

Hearing and determination of personnel complaints.

(f) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination; and such other matters as may be referred to the commission.

Publication of roster of police and fire personnel by seniority.

(g) The commission shall prepare a roster of the member personnel of the fire department and the police department and publish the same on the bulletin board in the respective departments showing the name, rank and number in their proper order by reason of seniority established by continuous service in said department. Terms of leaves of absence granted by the commission hereby created upon recommendation of the chief of each department shall not forfeit the member granted leave under this Act nor be charged against such member in his order of seniority.

Effect of leaves of absence.

Competitive tests within classes of positions.

(h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in force and for like causes, shall be the last man or men, including probationers, that have been appointed to said fire department and police department. Such removal shall be accomplished by suspending in numerical order, commencing with the last men appointed to the fire department and police department, all recent appointees to said departments, until such reductions necessary shall have been accomplished; *provided further*, that in the event the said fire department and

Curtailment of employment on seniority basis.

police department shall be again increased in numbers the said firemen and policemen suspended under this Section of this Act shall be reinstated before any new appointments to said fire department and police department shall be made. Basis of reinstatement.

(i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year. Certification of eligibles for vacant positions. Provisional appointments.

(j) Keep such records as may be necessary for the proper administration of this Act. Records.

SEC. 5. Adoption and Induction of Incumbents into Civil Service. For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this Act, all persons holding positions in the fire department and police department, including the chiefs thereof and other personnel hereinbefore referred to, when this Act takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. Eligibility of incumbent personnel under new Civil Service Act. Eligible without examination.

SEC. 6. Applicants.

(a) Citizenship—An applicant for a position of any kind under civil service must be a citizen of the United States of America and an elector of Buncombe County, who can read and write the English language, and must have been a resident of the City of Asheville for at least one year. Citizenship, literacy, residence qualifications of applicants.

(b) Character and Fitness. An applicant for a position of any kind under civil service must be not less than twenty-one nor over thirty years of age for service in the fire department and not less than twenty-five nor more than thirty-five years of age for service in the police department, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. Age requirements. Health and character requirements.

Tenure of office of civil service employees.

SEC. 7. Tenure of Office of Civil Service Employees, and Causes and Manner of Discharge. The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

Grounds of removal, suspension, demotion.

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder;

(b) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(c) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Removal, suspension, discharge for cause only.

SEC. 8. Removal. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this Act, shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. The chief of the fire department or the chief of the police department may suspend a member of his department pending the confirmation of the suspension by the regular appointing power under this Act which must be within seven days. Any person so removed, suspended or discharged may within ten days from the time of his removal, suspension or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation the commission may, if in its estimation the evidence is conclusive, affirm the removal, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatment or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, sus-

Written accusation.

Suspensions by department chief pending confirmation.

Right of employee to demand investigation.

Question for determination.

Action by Commission.

Power of Commission to make retroactive reinstatements.

pension or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension or discharge may modify the order of removal, suspension or discharge by directing a suspension, without pay, for a given period, and subsequent restoration of duty, grade or pay; the findings of the commission shall be certified, in writing, to the appointing power, and shall be forthwith enforced by such officer.

Power to modify orders of department chiefs.

Certification of findings.

All investigations made by the commission pursuant to the provisions of this Section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. If such order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the Superior Court of Buncombe County. Such appeal shall be taken by serving the commission, within ten days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such order, be filed by the commission in such court. The commission shall, within ten days, after the filing of such notice, make, certify and file such transcript with such court. The Superior Court shall thereupon proceed to hear and determine such appeal; *provided, however,* that such hearing shall be confined to the determination of whether the order of removal, discharge or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such courts shall be taken except upon such ground or grounds.

Public hearings.

Notice to accused.

Rights of defense.

Written record.

Appeal to Superior Court.

Procedure.

Transcript of record.

Hearing upon appeal.

SEC. 9. Duties of all Officers and Employees to Assist the Commission. It shall be the duty of all officers and employees of the City of Asheville to aid in all proper ways of carrying out the provisions of this Act, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

Officers and employees, City of Asheville, duties in carrying out Act.

Inspection and production of records.

SEC. 10. Appointments to Vacant Positions; Certification from Lists. Whenever a position in the classified service becomes vacant, the governing body of the City of Asheville shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for

Appointments to vacant positions in classified service.

Certification from eligibility lists.

the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The governing body of the City of Asheville shall forthwith appoint such person to such vacant position.

Appointments by governing body.

Appointment of person certified from eligible list.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the governing body, and said governing body shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

Removal, suspension, discharge, subject to Commission approval.

Probation appointments.

The governing body of the City of Asheville shall, upon proper certification by the commission of the eligibility of an applicant for any position in the classified service, be empowered to appoint such person to said position for a period of six months, during which time such applicant shall be on probation and subject to removal for just cause shown at any time during said six months period; or if the governing body shall in its discretion deem such probationer unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred to another classification, on probation, without prejudice to such applicant. Whatever action may be taken by said governing body with respect to such applicant or probationer shall not be reviewable by the commission. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the City of Asheville, then and in that event the commission shall certify to the governing body of the City of Asheville the name of the next person on the eligible list as the same shall appear from the records of the commission.

Subject to removal.

Dismissal or transfer without prejudice.

Action as to probationers not reviewable.

Certification of next eligible person.

Creation of positions and fixing of pay, reserved to City governing body.

SEC. 11. Creation of Employments and Fixing of Compensation. Nothing contained in this Act shall infringe upon the power and authority of the governing body of the City of Asheville to fix the salaries and compensation of all persons employed hereunder. All authority for the creation and maintenance of the officers, positions and classifications within the respective services shall be and remain with the governing body of the City of Asheville.

Leaves of absence.

SEC. 12. Leave of Absence. Leave of absence, without pay, may be granted by the commission upon the recommendation of the chief of either the fire department or the police department, and the commission shall give notice of such leave to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service of the department concerned.

Certain conduct, relating to examinations, registrations, etc., prohibited.

SEC. 13. False Marking, Grading, Etc., Prohibited. No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination of proper standing of any person examined, registered or certified pursuant to the provisions of this Act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered.

Political activities prohibited.

SEC. 14. Political Activities Prohibited.

Political, religious, racial discrimination prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or race.

Political endorsements prohibited.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

Use of official authority or influence to gain employment advantage prohibited.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

Prohibitions on employees and Commission members as to political contributions.

(d) No employee in the classified service, and no member of the commission shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in

soliciting any such assessment, subscription, or contribution of any employee in the classified service.

Employees and Commission members prohibited from political party activity.

(e) No employee in the classified service, and no member of the commission, shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a political club, or a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his rights as a citizen privately to express his opinion and to cast his vote.

Exceptions.

Duty of Civil Service Commission.

Duty of Civil Service employees.

(f) It shall be the duty of the civil service commission to supervise the execution of the foregoing civil service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of this Act and in the service of the police and fire departments to comply with such rules and to aid in their enforcement.

Failure to comply by governing body of city, punishable.

SEC. 15. The failure on the part of the governing body of the City of Asheville to comply with the terms of this Act shall be considered a violation of this Act and be punishable as such.

Rooms and accommodations for Commission required.

Supplies.

Clerical assistance.

Failure by governing body made violation of Act.

SEC. 16. The governing body of the City of Asheville shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in the City of Asheville coming within the purview of this Act; and the failure on the part of the governing body to do so, shall be considered a violation of this Act and shall be punishable as such.

City appropriations for administration of Act.

Time limit prescribed for creation and appointment of Commission.

SEC. 17. The governing body of the City of Asheville shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act. Within thirty days after the effective date of this Act it shall be the duty of the governing body of the City of Asheville, subject to the provisions of this Act, to appoint and create the civil service commission as provided in Section 1 hereof and the failure upon the part of said governing body, or any of them so to do, shall be deemed a violation of this Act and shall be punishable as such.

Immediate organization of Commission and performance of duties under Act.

SEC. 18. It shall be the duty of the commission appointed subject to the provisions of this Act, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this Act, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this Act, and shall be punishable as such.

Failure of duty punishable.

Violation of Act made misdemeanor.

SEC. 19. Violation of This Act a Misdemeanor; Penalty. Any person who shall wilfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for not longer than one year, or by both such fine and imprisonment. The Superior Court shall have jurisdiction of all offenses defined by this Act.

Punishment.

Jurisdiction of Superior Court.

Definition of terms.

SEC. 20. Definition of Terms. As used in this Act, the following mentioned terms shall have the following meanings:

"Commission."

"Commissioner."

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

"Appointment."

The term "appointment" includes all means of selection, appointment or employing any person to hold any office, place, position or employment subject to civil service.

"City of Asheville."

The term "City of Asheville" shall include all the territory now comprising the corporate limits of the City of Asheville or any extension thereof.

"Fire Department and Police Department."

The term "Fire Department and Police Department" means and intends to include all the officers and policemen in their respective departments who are paid regularly by the City of Asheville and devote their full time to the duties involved.

Constitutionality of Act.

SEC. 21. Constitutionality of Act. If any Section, Subsection, subdivision, sentence, clause or phrase of this Act shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Conflicting laws repealed.

SEC. 22. Repeal of Conflicting Acts. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Public interest declared.

SEC. 23. That the public interest requires that this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of February, 1947.

S. B. 89 CHAPTER 84

AN ACT TO AMEND THE CHARTER OF THE CITY OF WASHINGTON, NORTH CAROLINA, WITH RESPECT TO THE COMPENSATION OF THE LIGHT AND WATER COMMISSIONERS AND THE SALARY OF THE SUPERINTENDENT OF THE LIGHT AND WATER PLANT OF SAID CITY.

The General Assembly of North Carolina do enact:

Sec. 3, Ch. 210, Private Laws, 1915, as to pay of Light and Water Commissioners, City of Washington, amended.

SECTION 1. That Section 3 of Chapter 210, Private Laws of 1915, be and the same is hereby amended by striking out in the thirteenth line of said Section the words "fifty dollars ($50.00) per year" and inserting in lieu thereof the words "twenty-five dollars ($25.00) per month."

Sec. 17, amended as to salary of Superintendent, Light and Water Plant.

SEC. 2. That Section 17 of said Chapter be amended by striking from lines eight and nine of said Section the following words "not more than twenty-four hundred dollars ($2400.00)."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

S. B. 103 CHAPTER 85

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY TO EMPLOY NOT EXCEEDING TWO RURAL POLICE OFFICERS.

The General Assembly of North Carolina do enact:

Employment of rural policemen, Lincoln County, authorized.

SECTION 1. The Board of County Commissioners of Lincoln County are hereby fully authorized and empowered to employ not more than two suitable and fit persons as rural policemen of Lincoln County to patrol, in a satisfactory manner, the rural sections of Lincoln County and enforce therein all of the laws of North Carolina and also perform the duties of truant officer of said county as now provided for by the laws pertaining to truancy.

Duties.

Oath of office.

SEC. 2. Upon their employment by the Board of County Commissioners of Lincoln County, such rural policeman or policemen shall take and subscribe an oath of office in writing solemnly obligating themselves to uphold the Constitution of the United States and the State of North Carolina and enforce the laws

of the State of North Carolina and faithfully discharge the duties in the rural sections of Lincoln County.

Powers.

SEC. 3. Upon taking and subscribing to the said oath, the said rural policeman or policemen shall be fully authorized and empowered to make arrests and otherwise exercise all power and authority now conferred by law on peace officers generally.

Responsibility to County Commissioners.

SEC. 4. The rural policeman or policemen provided for under this Act shall be under the direct control of, and shall be directly responsible to, the Board of County Commissioners of Lincoln County for the proper enforcement of the laws of the State of North Carolina and the performance of the duties of truant officers in the rural sections of Lincoln County.

Power to discharge vested in Board of Commissioners.

SEC. 5. The Board of County Commissioners of Lincoln County are hereby vested with full power and authority to discharge or terminate the services of any rural policeman or policemen employed under authority of this Act, with or without cause.

Compensation of rural policemen.

SEC. 6. The Board of County Commissioners of Lincoln County is hereby fully authorized and empowered to fix the compensation to be paid to the rural policeman or policemen authorized by this Act and furnish and provide all necessary equipment and facilities to enable them to perform their duties out of the general fund of Lincoln County; *provided,* the salary paid to such rural policeman or policemen shall not exceed the sum of two hundred and fifty dollars ($250.00) per month for any one such officer.

Equipment and facilities.

Limitation of salary.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the general Assembly read three times and ratified, this the 14th day of February, 1947.

H. B. 191 CHAPTER 86

AN ACT TO AMEND CHAPTER 150 OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943, RELATING TO UNIFORM REVOCATION OF LICENSES, FOR THE PURPOSE OF MAKING THE CHAPTER APPLICABLE TO THE NORTH CAROLINA BOARD OF NURSE EXAMINERS, PRESCRIBING THE PROCEDURE FOR HEARINGS ON SUSPENSION OR REVOCATION OF LICENSES BY THE NORTH CAROLINA BOARD OF NURSE EXAMINERS.

The General Assembly of North Carolina do enact:

G. S. § 150-1, amended; uniform procedure for revoking licenses, applicable to N. C. Board of Nurse Examiners.

SECTION 1. That Chapter 150, Section 1, of the General Statutes of North Carolina, 1943, is hereby amended by inserting after the words "board of boiler rules," and before the words "and board of photographic examiners" in line ten of said Section the following: "North Carolina Board of Nurse Examiners,".

G. S. Ch. 150 made applicable to Board of Nurse Examiners hearings.

SEC. 2. That Chapter 150 of General Statutes of North Carolina, 1943, shall be applicable to all hearings on suspension or revocation of licenses by the North Carolina Board of Nurse Examiners.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

H. B. 222 CHAPTER 87

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF THE CITY OF RALEIGH TO CLOSE, ABANDON, AND CONVEY THAT PORTION OF STONE STREET IN THE CITY OF RALEIGH AS HEREIN DESCRIBED.

Preamble:

Certain portion of Stone Street, City of Raleigh, undeveloped and not desirable as public street.

WHEREAS, that portion of Stone Street in the City of Raleigh fifty feet in width and less than two hundred feet in length, situate between the old Hillsboro Road (now McDonald Lane) and Oberlin Road, north of lots nos. 22, 23 and 24 and south of lot no. 25 as shown by map of subdivision of property of Mrs. Bertha Gardner recorded in Book of Maps 1938, at page 26, in the office of the Register of Deeds of Wake County, North Carolina, has never been developed as a public street since it was dedicated by said map, and on account of its location it is not desirable that same be developed as a public street; and

WHEREAS, the White Memorial Presbyterian Church of Raleigh, North Carolina, now owns the land located immediately north of and immediately south of that part of said street above described and has secured a quitclaim deed from Mrs. Bertha Gardner and her daughters (the former owners of said development) for any interest they have or might have in the land embraced in that part of said street; and

Adjacent lands owned by church.

Quitclaim deed from former owners.

WHEREAS, the White Memorial Presbyterian Church of Raleigh, North Carolina, desires that that part of said street described above be closed and abandoned as a public street and desires to own and use the land embraced therein in the erection of its buildings; and

Desire of church that street be closed.

WHEREAS, the right of no individual property owner, except said White Memorial Presbyterian Church of Raleigh, North Carolina, will be affected by the closing and abandonment of that part of said street described as a public street; and

Other property owners not affected by closing street.

WHEREAS, it is deemed proper and best for the public welfare of the citizens of Raleigh by the Board of Commissioners of the City of Raleigh that that portion of Stone Street herein mentioned be closed and abandoned: *Now, therefore,*

Closing street best for public welfare.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the City of Raleigh be, and they are hereby authorized and empowered to close and abandon that portion of Stone Street herein described, and to make such disposition of the lands embraced therein, by transfer, conveyance, quitclaim or otherwise, as the said board of commissioners may determine to be proper and to the best interest of the public.

Board of Commissioners, Raleigh, authorized to close portion of Stone Street.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

H. B. 233 CHAPTER 88

AN ACT TO REPEAL THE CHARTERS OF THE TOWNS OF BUIE AND RENNERT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 62 of the Private Laws of 1909, incorporating the Town of Buie, and Chapter 216 of the Private Laws of 1895, incorporating the Town of Rennert, in Robeson County, are hereby repealed, it appearing that there are no out-

Ch. 62, Private Laws, 1909, and Ch. 216, Private Laws, 1895; town charters of Buie and Rennert, repealed.

standing obligations of the said towns and that there have been no municipal organizations in said towns for many years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

H. B. 234 CHAPTER 89

AN ACT GRANTING AUTHORITY TO THE TOWN OF HERTFORD TO SELL BY PRIVATE SALE REAL PROPERTY OWNED BY IT, TO VARIOUS LOCAL ORGANIZATIONS FOR A MEMORIAL TO VETERANS OF ALL WARS.

Preamble:

Erection of building as memorial to war veterans desired, Town of Hertford.

WHEREAS, the following organizations of Perquimans County, and the Town of Hertford, namely: The American Legion, The American Legion Auxiliary, Veterans of Foreign Wars, The Woman's Club, and the Boy and Girl Scouts, desire to cause to be erected a building for the use of the organizations above named, and also for the use of the Perquimans County Library Commission, for the use as a public library by said commission, as a memorial to the veterans of all wars; and

Land as site for building owned by Town.

WHEREAS, the Town of Hertford owns certain real estate which would make a desirable site for the construction or erection of such a building, and desires that such a building be located within the Town of Hertford, and as an inducement therefor, is anxious to deed to said above named organizations, or to a governing board appointed by the said organizations, for the purposes as outlined above, a site owned by said town, without remuneration: *Now, therefore,*

The General Assembly of North Carolina do enact:

Town of Hertford authorized to convey land for building as memorial to war veterans.

SECTION 1. That the Town of Hertford is hereby granted the authority to convey in fee simple, upon the terms and conditions as agreed upon by the Commissioners of the Town of Hertford, a lot or parcel of land owned by it located in the town, to a governing board of trustees, and their successors in office, composed of members elected or appointed by the American Legion, American Legion Auxiliary, Veterans of Foreign Wars, Perquimans County Library Commission, Woman's Club, and the Boy and Girl Scouts, the said board to consist of seven members appointed as follows: Each organization above men-

Appointment of governing trustees.

tioned to appoint one member, and the six members so appointed or elected, to appoint a seventh member, to be selected at large, each of whom will serve for a term of two years, or until their successor is duly named; upon which lot these said organizations, exclusive of the Perquimans County Library Commission, will cause to be constructed a building as a memorial to veterans of all wars.

Construction of building.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

H. B. 306

CHAPTER 90

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILLIAMSTON SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR NOMINATION OF CANDIDATES FOR THE MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That all laws relating to the method of nominating candidates for the office of Mayor and Members of the Board of Commissioners in the Town of Williamston are hereby amended so as to provide as follows:

Laws relating to nomination of candidates for Mayor and Commissioners, Williamston, amended.

(1) Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and five commissioners, or any other elective officers, are to be elected, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter provided.

Nomination at primary election.

(2) How primaries are held. The primary election for such nominations shall be held on the fourth Monday preceding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for the general municipal elections.

Conduct of primaries.

(3) Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner shall, at least ten days prior to the primary

Notice of candidacy.

election, file with the town clerk a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
COUNTY OF MARTIN

Form.

I, ..., hereby give notice that I reside at ..... Street, Town of Williamston, County of Martin, State of North Carolina; that I am a candidate for nomination to the office of mayor, commissioner (strike out inapplicable part), to be voted upon at the primary election to be held on the ..... Monday of ..... 19.....
I affiliate with the ..... party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) .....

Filing fee.

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

Publication of names of candidates.

(4) Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be posted at the town hall, in proper form, the names of persons as they are to appear upon the primary ballots.

Preparation of ballots.

Form.

(5) Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed. Upon the ballot the names of the candidate for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below shall appear the words, "Vote for one." And upon the ballots in like manner shall be placed, alphabetically, the names of the candidates for commissioner, with instructions to vote for five.

Counting of ballots.

(6) Ballots counted. Judges of elections shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk within six hours of the closing of the polls.

Canvassing of returns.

(7) Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of commissioners, shall canvass such returns so received from all the polling precincts, and shall post the results at the town hall. The canvass by the town clerk shall be publicly made.

Determination of nominees as candidates for general municipal election.

(8) Who to be candidate. The candidate receiving the highest number of votes for mayor and the five candidates receiving the highest number of votes for commissioners shall be the candidates of the political party of which they affiliate and the only candidates whose names shall be placed upon the ballot for

mayor and commissioners at the next succeeding general municipal election: *Provided,* in all cases where only one aspirant for nomination by the party with which he affiliates for the office of mayor shall have filed as herein required and where only five aspirants for nomination by the party with which they affiliate have filed as herein required by the board of commissioners, they shall be declared the nominees by the party with this they affiliate.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1947.

S. B. 21 **CHAPTER 91**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 108 OF THE GENERAL STATUTES RELATIVE TO OLD AGE ASSISTANCE AND AID TO DEPENDENT CHILDREN SO AS TO PROVIDE FOR FULL CONFORMITY WITH THE PROVISIONS OF THE SOCIAL SECURITY ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 108-21 of G. S. as follows: G. S. § 108-21, amended.

(1) Strike out Subsection (e) and re-letter Subsection (f) accordingly.

(2) Amend the last paragraph by adding a new paragraph as follows:

Within the limitations of the State appropriation the maximum payment for old age assistance may be increased not in excess of the amount which may hereafter be matched by the Federal Government. Limitation of increase in maximum payments for old age assistance.

SEC. 2. Amend Section 108-22 of G. S. by adding at the end of said Section a new paragraph as follows: G. S. § 108-22, amended.

In the event that the Federal Social Security Act is amended providing for a larger percentage of contributions to said fund, the provisions of this Section shall be construed to accept such additional grants, and the percentages to be provided for old age assistance by the State and counties shall be adjusted proportionately. Acceptance of additional Federal grants for old age assistance. Adjustment of State and County percentages.

G. S. § 108-30, amended.

SEC. 3. Amend the third paragraph of Section 108-30 of G. S. by adding the following sentence:

Increase of old age assistance maximum payments authorized, with limitation.

Within the limitations of the State appropriation the maximum payment for old age assistance may be increased not in excess of the amount which may hereafter be matched by the Federal Government.

Effective date.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S. B. 20 CHAPTER 92

AN ACT TO AMEND SECTION 108-12 OF THE GENERAL STATUTES TO PERMIT A PER DIEM AND EXPENSES FOR MEMBERS OF COUNTY BOARDS OF PUBLIC WELFARE IN ATTENDING OFFICIAL MEETINGS.

The General Assembly of North Carolina do enact:

G. S. § 108-12, amended.

SECTION 1. Section 108-12 of the General Statutes is hereby amended by striking out the last sentence thereof and by inserting in lieu thereof the following:

Per diem and expenses for members, County Public Welfare Boards, attending meetings.

Members of county boards of public welfare may at the discretion of the board of county commissioners receive a per diem not to exceed five dollars ($5.00) a day and actual expenses when attending official meetings; any such payments heretofore made are hereby validated.

Effective date.

SEC. 2. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S. B. 48 CHAPTER 93

AN ACT TO REWRITE GENERAL STATUTES 35-44 RELATING TO SERVICE OF A PETITION FOR PURPOSES OF AUTHORIZATION OF STERILIZATION BY THE EUGENICS BOARD.

The General Assembly of North Carolina do enact:

G. S. § 35-44, Sterilization Act, amended.

SECTION 1. Amend Section 35-44 of the General Statutes by rewriting the same to read as follows:

G. S. 35-44. Copy of petition served on patient.

Copy of petition for sterilization served on patient.

(a) A copy of said petition, duly certified by the secretary of the said board to be correct, must be served upon the inmate, patient or individual resident, together with a notice in writing signed by the secretary of the said board designating the time and place not less than twenty days before the presentation of such petition to said board when and where said board will hear and pass upon such petition. It shall be sufficient service if the copy of said petition and notice in writing be delivered to said inmate, patient or individual resident, and it shall not be necessary to read the above mentioned document to said patient, inmate or individual resident.

Method of service.

Service of notice on guardian or next of kin.

(b) A copy of said petition, duly certified to be correct, and the said notice must also be served upon the legal or natural guardian or next of kin of the inmate, patient or individual resident.

Provision for appointment of guardian ad litem in certain instances.

(c) If there is no next of kin, or if next of kin cannot after due and diligent search be found, or if there is no known legal or natural guardian of said inmate, patient or individual resident and the said inmate, patient or individual resident is of such mental condition as not to be competent reasonably to conduct his own affairs, then the said prosecutor shall petition the Clerk of the Superior Court or the Resident Judge of the District or the Judge presiding at a term of Superior Court of the county in which the inmate, patient or individual resident resides, who shall appoint some suitable person to act as guardian ad litem of the said inmate, patient or individual resident during and for the purpose of proceedings under this Article, to defend the rights and interests of the said inmate, patient or individual resident. And such guardian ad litem shall be served likewise with a copy of the aforesaid petition and notice, and shall under all circumstances be given at least twenty days' notice of said hearing. Such guardian ad litem may be removed or discharged at any time by the said court or the judge thereof either in term or in vacation and a new guardian ad litem appointed and substituted in his place.

Service of copy of petition and notice on guardian ad litem.

Removal of guardian ad litem.

Service on parents of minors.

(d) If the said inmate, patient or individual resident be under twenty-one years of age and has a living parent or parents whose names and addresses are known or can by reasonable investigation be learned by said prosecutor, they or either of them, as the case may be, shall be served likewise with a copy of said petition and notice and shall be entitled to at least twenty days' notice of the said hearing: *Provided,* that the procedure described in this Section shall not be necessary in the case of any operation for sterilization or asexualization provided for in this Article if the parent, legal or natural guardian, or spouse or next of kin of the inmate, patient or non-institutional individual shall submit to the superintendent of the institution of which the subject is a patient or inmate, or to the superinten-

Foregoing procedure not necessary in certain cases.

dent of public welfare of the county in which this subject is residing, regardless of whether the subject is a legal resident of such county, a duly witnessed petition requesting that sterilization or asexualization be performed upon said inmate, patient or non-institutional individual, provided the other provisions of this Article are complied with. Any operation authorized in accordance with this proviso may be performed immediately upon receipt of the authorization from the eugenics board.

Authorization of immediate operation.

Effective date.

SEC. 2. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S. B. 52 CHAPTER 94

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 110 OF THE GENERAL STATUTES RELATING TO THE APPOINTMENT OF PROBATION OFFICERS FOR JUVENILE COURTS.

The General Assembly of North Carolina do enact:

G. S. Ch. 110, amended.

SECTION 1. Chapter 110 of the General Statutes is hereby amended by inserting a new Section to be numbered G. S. 110-31.1 to read as follows:

G. S. 110-31.1. Probation officers as members of county welfare staffs.

Agreements for juvenile court probation officers as members of county welfare staffs, authorized.

(a) By written agreement between the judge of the juvenile court and the county superintendent of public welfare, all probation officers of the juvenile court may be regular employees of the county department of public welfare, attached to the staff of the department and responsible directly to the county superintendent of public welfare as chief probation officer of the county.

Effect of election of new judge.

Upon the election or appointment of a judge of the juvenile court who is not a party to any agreement heretofore entered into under this Section, a new agreement may be entered into as provided herein.

Employment and compensation, probation officers.

(b) When such agreement shall have been entered into, probation officers shall be employed and compensated in the same manner as all other employees of the county department of public welfare are employed and compensated.

Effective date.

SEC. 2. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S. B. 58 **CHAPTER 95**

AN ACT TO AMEND SECTION 1-247 OF THE GENERAL STATUTES RELATING TO CONFESSION OF JUDGMENT FOR ALIMONY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1-247 of the General Statutes is hereby amended by adding a new paragraph at the end of said Section as follows: G. S. § 1-247, amended.

A judgment by confession may be entered for alimony or for support of minor children, and when the same shall have been entered as provided by this Article, such judgment shall be binding upon the defendant, and the failure of the defendant to make any payments, as required by such judgment, shall, upon proper cause shown to the court, subject him to such penalties as may be adjudged by the court as in any other case of contempt of its orders, subject to authority of the court to modify said judgment thereafter for proper cause shown as provided by law in case of adverse judgments in proceedings for such alimony or support. Confession of judgment for alimony or support of minor children; effect. Contempt proceedings.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S. B. 96 **CHAPTER 96**

AN ACT TO AMEND SECTION 105-405 OF THE GENERAL STATUTES OF NORTH CAROLINA AS AMENDED BY CHAPTER 635 OF THE SESSION LAWS OF 1945 SO AS TO EMPOWER THE GOVERNING BODIES OF THE CITY OF DURHAM AND OF THE COUNTY OF DURHAM TO GRANT RELIEF FROM AD VALOREM TAXES AND SPECIAL IMPROVEMENT AND BENEFIT ASSESSMENTS, INCLUDING PENALTIES, INTEREST AND COSTS ACCRUING THEREON WHERE ERRONEOUS INFORMATION IS RECEIVED BY OWNERS OR ATTORNEY WITH RESPECT TO EXISTENCE OR NONEXISTENCE OF SAME.

The General Assembly of North Carolina do enact:

SECTION 1. Section 105-405 of the General Statutes, as amended by Chapter 635 of the Session Laws of 1945, be and the same is hereby amended by adding at the end thereof two paragraphs to read as follows: G. S. § 105-405, as amended, further amended.

Governing bodies, City and County of Durham authorized to adjust certain taxes, penalties, assessments.

That the governing bodies of the City of Durham and of the County of Durham be, and they are hereby fully authorized and empowered, in their discretion, to remit, reduce, cancel, settle, compromise, or otherwise adjust any existing indebtedness due the said City of Durham or the County of Durham, represented by ad valorem taxes and penalties, interest and costs accruing thereon, and/or special improvement assessments levied for street improvements, water, sewer and gas connections or sidewalk and driveway construction, or special improvement benefit assessments, together with any penalties, interest and costs accruing thereon, where it appears to the satisfaction of the governing body of the unit claiming such ad valorem taxes, or special improvement assessments, or special improvement benefit assessments, that the owner or owners, or their grantee or grantees, or successor or successors in title of any such lot or parcel of land so encumbered, was prevented from paying such ad valorem taxes, or interest, penalties or costs accruing thereon, or was prevented from paying such assessment or assessments, or interest, penalties or costs accruing thereon, by reason of his making proper inquiry, either personally or by his or its agent or his or its attorney acting with due diligence in an effort to ascertain the true facts in regard to the existence or nonexistence of outstanding and unpaid ad valorem taxes or such assessments, if any, levied or a lien against the property inquired about, and being thereupon informed by the tax collecting officer, officers or any other person or persons authorized to collect taxes and/or such assessments, that there were no unpaid or outstanding ad valorem taxes or such assessments, or penalties, interest or costs thereon, against the particular lot or parcel of land so inquired about, and such owner, grantee, successor in title or agent or attorney thereof having relied upon such erroneous information so furnished.

Showing as basis for adjustment.

Adjustment of assessments against cemetery property in City of Durham.

That the governing body of the City of Durham be, and it is hereby authorized and empowered, in its discretion, to remit, reduce, cancel, settle, compromise, or otherwise adjust any existing indebtedness due by the owner or owners of any property used and occupied as a cemetery, where such indebtedness is represented by an assessment or assessments for sidewalk, curb and gutter or street paving, which may now be unpaid and outstanding against any such property used and occupied for cemetery purposes located within the City of Durham.

Application of Act.

SEC. 2. This Act shall apply only to the County of Durham and the City of Durham.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 97 CHAPTER 97

AN ACT AUTHORIZING THE LEVY OF TAX FOR THE PURPOSE OF OPERATING A RECREATION SYSTEM FOR THE TOWN OF SANFORD UPON VOTE OF THE QUALIFIED VOTERS.

The General Assembly of North Carolina do enact:

Special election authorized in Town of Sanford on question of tax levy for recreation purposes.

SECTION 1. That the Board of Aldermen of the Town of Sanford may by a majority vote order a special election to be held at such time as said board of aldermen may fix, to determine the will of the people of the Town of Sanford as to whether the said board of aldermen shall levy annually an ad valorem tax of not more than ten cents (10c) on each hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the Town of Sanford, to be used for recreation purposes. In the event the said board of aldermen shall order a special election for said purpose, a new registration shall be required and the registration books shall be open for registration of voters and notice of such registration shall be given, as required by law, stating the days on which the books will be open for registration of new voters and at the places at which they will be on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty (30) days before the election. The registration books shall open the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday immediately before the election day shall be "challenge day."

New registration.

Notice of election.

Time for registration.

Challenge day.

Conduct of election.

SEC. 2. The said special election, if called, shall be held as provided by law for the holding of elections and special elections in the Town of Sanford and at such special election the said board shall cause to be placed at each voting place in the Town of Sanford a ballot box marked "Recreation System Election;" that at said election all voters of the town who are qualified electors and who are duly registered for said election may vote in said election. Each of the said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. Said ballot shall be designated "Official Ballot—Town of Sanford Special Election" and below the said words shall be placed the date on which said election is held. Thereunder shall be written the form of said questions to be submitted to the voters and the form of the questions shall be in substantially the words "For Recreation System Tax" and

Ballot box.

Qualified voters.

Form of ballot.

"Against Recreation System Tax," which alternates shall appear separate from each other on one ballot containing opposite and to the left of each alternate, squares of the appropriate size in one of which squares the voter may make a mark "X" to designate the voter's choice for or against said tax. Said ballots shall be signed with the facsimile signature of the Clerk to the Board of Aldermen of the Town of Sanford. Said ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election.

Polling places supplied with ballots.

Tax levy authorized upon favorable vote of majority registered.

SEC. 3. If a majority of the voters, registered and qualified to vote in said election, shall vote "For Recreation System Tax," then, the Board of Aldermen of the Town of Sanford shall be authorized and empowered to thereafter levy annually an ad valorem tax of not more than ten cents (10c) on each hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the Town of Sanford for the acquisition and improvement of lands and equipment and for operating, maintaining and conducting a supervised recreation system in the town; otherwise, no tax shall be levied by the said Board of Aldermen of the Town of Sanford for said purpose.

Limitation of tax.

Use of tax.

Effect of failure of majority vote.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 145 **CHAPTER 98**

AN ACT TO FIX THE SALARY OF THE SHERIFF OF BRUNSWICK COUNTY, TO PROVIDE FOR THE APPOINTMENT AND COMPENSATION OF DEPUTY SHERIFFS AND TO REPEAL CHAPTER 403 OF THE SESSION LAWS OF 1943 RELATING TO RURAL POLICE IN BRUNSWICK COUNTY AND TO REPEAL CHAPTER 330 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE SALARY OF THE SHERIFF AND DEPUTY SHERIFFS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 403, Session Laws, 1943, repealed, abolishing rural police, Brunswick County.

SECTION 1. Chapter 403 of the Session Laws of 1943 is hereby repealed and the offices of rural police created thereunder are abolished.

SEC. 2. Chapter 330 of the Public Laws of 1939 relating to the salaries of the Sheriff and Deputy Sheriffs of Brunswick County is hereby repealed. Ch. 330, Public-Local Laws, 1939 (semble), repealed.

SEC. 3. The salary of the Sheriff of Brunswick County shall be fixed and determined by the Board of County Commissioners of Brunswick County, provided that such salary shall not be less than twenty-seven hundred dollars ($2700.00) per annum nor more than three thousand dollars ($3000.00) per annum. Salary of Sheriff, Brunswick County.

In addition to the sheriff's salary the board of county commissioners shall pay to the sheriff in monthly installments a total of not less than seven hundred twenty dollars ($720.00) nor more than nine hundred dollars ($900.00) in any one year as reimbursement for actual and necessary travel expense incurred while traveling on official business within Brunswick County. Travel expenses.

SEC. 4. The sheriff or his deputies shall receive in addition to any salary allowed them a process fee of fifty cents (50c) for each person for whom a summons is issued and served in cases where the County of Brunswick or any political subdivision thereof is plaintiff. This process fee shall be advanced by the county to the sheriff or the deputy entitled thereto at the completion of the service, and shall be charged against the bill of costs. Fees for service of summons when Brunswick County, or subdivision, is plaintiff.

SEC. 5. The sheriff shall appoint not less than three nor more than five regular salaried deputies and shall fix a salary for each of said deputies of not less than seventy-five dollars ($75.00) nor more than one hundred twenty-five dollars ($125.00) per month. The amount of such salary shall be subject to final approval by the board of county commissioners and shall be in lieu of all fees and travel expense paid to said deputy sheriffs except those fees provided for in Section 4 of this Act and such other fees as now allowed by statute in cases where the defendant is found guilty and is required to pay the costs. Appointment of deputies sheriff.

Salaries.

Approval by County Commissioners.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed; and Chapter 403 of the Session Laws of 1943 and Chapter 330 of the Public-Local Laws of 1939 are hereby specifically repealed. Conflicting laws repealed.

SEC. 7. This Act shall become effective February 15th, 1947. Effective date.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 146 CHAPTER 99

AN ACT TO EXTEND THE TIME FOR REGISTERING GRANTS FROM THE STATE.

The General Assembly of North Carolina do enact:

G. S., Art. 6, Ch. 146, amended.

SECTION 1. Article 6 of Chapter 146 of the General Statutes is hereby amended by adding a new Section at the end of said Article to be numbered Section 146-66.1, as follows:

Further extension of time for registering grants from State.

Section 146-66.1. Further extension of time for registering grants from the State. The time for the registration of grants issued by the State of North Carolina, or copies of such grants duly certified by the Secretary of State under his Official Seal, be and the same hereby is extended for a period of two years from January 1st, 1947, next ensuing, and such grants or copies thereof duly certified as above set forth may be registered within such time as fully as the original might have been registered at any time heretofore: *Provided*, that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants of any of them, acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant.

Effect of Act on certain rights, titles, equities.

Pending litigation not affected.

SEC. 2. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 168 CHAPTER 100

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

G. S., Art. 13, § 58-226, amended as to operation expenses of Burial Association Commissioner.

SECTION 1. That Article 13 of Section 58-226 of the General Statutes of North Carolina, as amended by paragraph (b), Subsection (3) of Section 1 of Chapter 125 of the Laws of North

Carolina of 1945, be and the same is hereby amended by striking out the words and figures "twenty-six thousand and five hundred dollars ($26,500) per year" in line nine and inserting in lieu thereof the words and figures "thirty-one thousand five hundred dollars ($31,500) per year."

G. S. § 58-227, amended, as to limitation of burial association soliciting agents.

SEC. 2. That Section 58-227 of the General Statutes of North Carolina be and the same is hereby amended by striking out the words "Each burial association shall have not more than five agents or representatives soliciting members" in lines one, two and three of said Section and inserting in lieu thereof the words: "Each burial association shall have for each funeral home serving the said burial association not more than five agents or representatives soliciting members."

G. S. § 58-228, as amended, further amended to increase assessment for cost of supervision.

SEC. 3. That Section 58-228 of the General Statutes of North Carolina, as amended by Section 3 of Chapter 125 of the Laws of North Carolina of 1945, be and the same is hereby amended by striking out the words and figures "twenty-six thousand and five hundred dollars ($26,500)" in lines eight and nine and inserting in lieu thereof the words and figures "thirty-one thousand five hundred dollars ($31,500)."

G. S. 58-237.3 repealed.

SEC. 4. That Section 58-237.3 of the General Statutes of North Carolina be and the same is hereby repealed.

G. S., Art. 24, Ch. 58, amended.

SEC. 5. That Article 24 of Chapter 58 of the General Statutes of North Carolina be and the same is hereby amended by adding at the end of said Article a new Section as follows:

Hearing by Burial Association Commissioner in disputes over liability for funeral benefits.

SEC. 58-241.4. In case of a disagreement between the representative of a deceased member of any burial association and the association a hearing may be held by the Burial Association Commissioner on request of either party to determine whether the association is liable for the benefits set forth in the policy issued to the said deceased member of said burial association.

Effect of decision.

The Burial Commissioner shall render a decision which shall have the same force and effect as judgments rendered by courts of competent jurisdiction in North Carolina.

Appeal.

Either party may appeal from the decision of the Burial Commissioner to the superior court of the county in which the burial association is located as provided in Section 58-236 hereof.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 7. That this Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 181 CHAPTER 101

AN ACT TO AMEND SECTION 160-229 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MUNICIPAL ORDINANCES FOR THE PROTECTION OF HEALTH AND CONTRACTS FOR MEDICAL TREATMENT AND HOSPITALIZATION OF THE POOR TO APPLY TO THE TOWN OF EDENTON IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

G. S., 160-229, amended.

SECTION 1. Section 160-229 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out the word "Edenton" in the twenty-second from the last line in the second paragraph of said Section, it being the intent and purpose of this Act to authorize the Town of Edenton to contract with public or private hospitals or institutions to provide for medical treatment and hospitalization of the sick and inflicted poor of said town.

Town of Edenton authorized to contract for Hospitalization of Poor.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 182 CHAPTER 102

AN ACT VALIDATING CERTAIN ACTS OF NOTARIES PUBLIC PRIOR TO NOVEMBER 26TH, 1921.

The General Assembly of North Carolina do enact:

Art. 4, Ch. 47 of General Statutes, amended.

SECTION 1. Article 4 of Chapter 47 of the General Statutes is hereby amended by adding thereto a Section as follows:

Section 47-108.3. Validation of acts of certain notaries public prior to November 26th, 1921. In all cases where prior to November 26th, 1921, instruments by law, or otherwise, required, permitted or authorized to be registered, certified, probated, recorded or filed with certificates of notaries public showing the acknowledgements or proofs of execution thereof as required by the Laws of the State of North Carolina have been registered, certified, probated, recorded or filed, such registration, certifications, probates, recordations and filings are hereby validated and made as good and sufficient as though such instruments had been in all respects properly registered, certified,

probated, recorded or filed, notwithstanding there are no records in the Office of the Governor of the State of North Carolina or in the Office of the Clerk of the Superior Court of the county in which such notaries public were to act that such persons acting as such notaries public had ever been appointed or subscribed written oaths or received any certificates or commissions or were qualified as notaries public at the time of the performance of the acts hereby validated.

Notaries Public: certain defective acknowledgments validated.

SEC. 2. This Act shall not apply to pending litigation.

Pending litigation not affected.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 197 CHAPTER 103

AN ACT TO AMEND CHAPTER 135 OF THE PRIVATE LAWS OF 1929 RELATING TO THE TAX RATE IN THE TOWN OF VANDEMERE IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 135 of the Private Laws of 1929 be, and the same is hereby, amended to read as follows:

Ch. 135, Private Laws, 1929, relating to tax rate Town of Vandemere, Pamlico County, amended.

Section 1. That Subsection (1) of Section 28 of Chapter 311 of the Private Laws of 1895 relating to the tax rate in the Town of Vandemere in Pamlico County is hereby amended by striking out the word "ten" in line three of said Subsection and inserting in lieu thereof the word "fifty."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 208 CHAPTER 104

AN ACT TO AMEND CHAPTER 116 OF THE PRIVATE LAWS OF 1869-70 RELATING TO THE CHARTER OF THE TOWN OF BAKERSVILLE IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 116, Private Laws 1869-70, amended.

SECTION 1. That Section 7 of Chapter 116 of the Private Laws of 1869-70 be, and the same is hereby, amended to read as follows:

Levy of certain taxes by Town of Bakersville authorized.

Section 7. That the board of aldermen shall have power to levy a tax not to exceed one dollar ($1.00) on each taxable poll and not to exceed one dollar ($1.00) on the hundred dollars valuation of property in the Town of Bakersville.

Appointment and term of office of officials.

SEC. 2. That Earl Rennells shall hold the office of Mayor of the Town of Bakersville, and J. E. Butt, Ed Blevins, and Oscar Young shall be Aldermen of the Town of Bakersville, and they shall each hold their office until the next municipal election to be held in said town as by law provided and until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 210 CHAPTER 105

AN ACT TO REPEAL THE LAW GOVERNING LICENSE TAXES ON DOGS IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

G. S. Article 2, of Ch. 67 governing license taxes on dogs, Jackson County, repealed.

SECTION 1. That Article 2 of Chapter 67 of the General Statutes of North Carolina be, and the same is hereby, repealed.

SEC. 2. That this Act shall apply only to Jackson County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 218 • CHAPTER 106

AN ACT ENABLING THE COUNTY OF DURHAM AND THE CITY OF DURHAM TO JOINTLY ESTABLISH A CIVIC CENTER AS A LIVING MEMORIAL TO VETERANS OF WORLD WAR I AND WORLD WAR II AND PROVIDING FOR ITS MAINTENANCE.

The General Assembly of North Carolina do enact:

Establishment of Civic Center as living memorial to veterans of World War I and II, by County and City of Durham.

SECTION 1. The governing bodies of the County of Durham and of the City of Durham are hereby authorized and empowered to jointly acquire and own the necessary real property and to establish, construct, maintain, equip, improve, control, operate, lease, and regulate buildings or other structures erected thereon as a civic center and a living memorial to veterans of World War I and World War II, either in or without the limits of the City of Durham, and may use for such purpose or purposes any suitable properties now, or which may hereafter be, jointly owned and controlled by said county or city.

Power of eminent domain exercisable for acquisition of lands.

SEC. 2. Any lands acquired, owned, controlled, or operated by said county and city for the purposes enumerated in Section 1 hereof, shall and are hereby declared to be acquired, owned, controlled, and operated for a public purpose, and said county and city shall have the right to acquire property for such purposes under the power of eminent domain as and for a public purpose.

Appropriations of certain funds by County and City authorized.

SEC. 3. Property needed by said county and city for the purpose of this Act may be acquired by gift, grant, devise, or purchase. The purchase price or award for property acquired, and the establishment, maintenance, and operation of the project authorized, may be paid from the net proceeds derived from the operation by either the county or the city of any public utility or from funds derived from any sources other than ad valorem taxes without a vote of the people, and the governing bodies of said county and city are hereby authorized and empowered to appropriate and use the net proceeds of such funds in such proportion and upon such divisional basis as may be determined by the governing bodies of said county and city.

Board of Trustees of the Living Memorial to Veterans of World War I and World War II: Appointment, terms.

SEC. 4. A joint board of five members to be known as "The Board of Trustees of the Living Memorial to Veterans of World War I and World War II" shall be appointed within ninety (90) days after the effective date of this Act and such members shall hold their office for two years from the date of their appointment and until their successors are appointed and qualified, and biennially thereafter their successors shall be named who shall serve for a term of two years and until their successors are appointed and qualified. Two of said members shall be named by a majority of the governing body of the County of Durham

and two members shall be named by a majority of the governing body of the City of Durham, and the members so appointed by said governing bodies shall, by a majority vote, appoint one additional member. Any vacancy occurring on said board shall be filled by the appointing authority whose appointee caused such vacancy, and the same shall be filled within ninety (90) days after notice thereof to the appointing power. The members of said board shall serve without compensation and the board, by a majority vote, shall select a chairman.

Vacancies.

No compensation.

Authority of Board of Trustees.

SEC. 5. The Board of Trustees of the Living Memorial to Veterans of World War I and World War II shall be vested with the authority to control, improve, maintain, operate, lease, and regulate the properties acquired by virtue of this Act and shall have complete control over any buildings or other structures erected thereon. Neither the board, nor the individual members thereof, shall have authority to pledge the credit of either of said units of government and shall not be personally liable for their acts as members of said board, except for misfeasance or malfeasance in office. The board shall meet at such time and place in Durham County as the chairman or a majority of the board shall designate.

Bond issue and tax levy by Board of County Commissioners.

SEC. 6. The Board of County Commissioners of Durham County is hereby authorized and empowered to issue bonds and levy a tax for the payment thereof and/or levy a special tax of one-half cent (½c) on the one hundred dollar ($100) valuation of all taxable property in said county for the purpose of providing funds for the acquisition, maintenance, and operation of the project authorized by this Act. However, before the issuance of any such bonds or the levying of any tax, the governing body shall submit to the qualified electors of Durham County, at a regular or special election, the question of whether or not such bonds shall be issued and whether or not a special tax may be levied on the assessed property for the purpose of providing the necessary funds for the acquisition, maintenance, and operation of the project authorized by this Act. If a majority of the qualified voters at such election shall cast their vote in favor of the issuance of such bonds, the governing body of the county shall have full authority to issue such bonds and levy a tax for the payment of the same. If a majority of the qualified voters cast their vote in favor of a special tax levy of one-half cent (½c), the governing body shall have full authority to levy such tax. The bonds herein authorized shall be issued pursuant to, and the machinery for the election on the question of issuance of such bonds and the levying of a special tax shall be in accordance with, Article 9 of Chapter 153 of the General Statutes, known as the County Finance Act.

Election on issuance of bonds and special tax levy authorized for Durham County.

Issuance of bonds.

SEC. 7. The City of Durham may not issue bonds for the purposes contained in this Act but is authorized and empowered to levy a special tax of one-half cent (½c) on the one hundred dollar ($100) valuation of all taxable property in the city to be used in the acquisition, maintenance, and operation of the project authorized by this Act. However, before any such tax may be levied, the governing body of the City of Durham shall submit to the qualified voters thereof, at a regular or special election, the question whether there shall be levied upon the assessed property of said town a tax of one-half cent (½c) on the dollar for the acquisition, maintenance, and operation of the project authorized, and if a majority of the qualified voters in such election cast their vote in favor of such tax, the governing body shall levy the tax so authorized. The election machinery for ascertaining the will of the qualified voters shall be that applicable to the issuance of bonds by municipalities as contained in that part of Chapter 160 of the General Statutes designated Municipal Finance Act of 1921.

Special tax levy by City of Durham to be submitted to voters.

Election machinery.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 219 **CHAPTER 107**

AN ACT TO AMEND SECTION 14 OF THE CHARTER OF THE TOWN OF RICHLANDS, AS AMENDED BY CHAPTER 28 OF THE PRIVATE LAWS OF 1927, RELATING TO RAISING REVENUES IN THE TOWN OF RICHLANDS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 14 of Chapter 417 of the Private Laws of 1905, the same being the charter of the Town of Richlands in the County of Onslow, as amended by Chapter 28 of the Private Laws of 1927, be and the same is hereby further amended so that said Section shall read as follows:

Sec. 14, Ch. 417 Private Laws, 1905, amended.

Sec. 14. For the purpose of raising revenues for defraying the expenses incident to the proper government of the Town of Richlands, the board of aldermen shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in the Town of Richlands at such rate on the one hundred dollars ($100.00) valuation of said

Tax levies, Town of Richlands, Onslow County, authorized.

property as is or may be from time to time provided by the general law of the State. In addition to the foregoing, the board of aldermen shall have the power and it is hereby authorized to levy and collect a tax ad valorem upon all property then subject to taxation in the town, sufficient to pay the principal of and the interest on all bonds of the town as such principal and interest shall become due, and to levy and collect such license, privilege, franchise and other taxes as the board of aldermen shall deem proper and as the board is authorized and permitted to levy and collect by the general law.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. B. 231 CHAPTER 108

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JONES COUNTY TO COMPROMISE AND ADJUST ALL UNPAID TAXES ASSESSED FOR THE YEAR 1940 AND YEARS PRIOR THERETO, AND TO VALIDATE SUCH ADJUSTMENTS HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Board of County Commissioners, Jones County, authorized to adjust certain delinquent taxes.

SECTION 1. The Board of County Commissioners of Jones County, North Carolina is hereby authorized and empowered to compromise, adjust or otherwise settle and collect all unpaid taxes due Jones County assessed for the year 1940 and all years prior thereto, including all penalties, interest and costs incurred by reason of delinquency or the institution of foreclosure suits.

Adjustments heretofore made ratified.

SEC. 2. All compromises, adjustments and settlements heretofore made and entered into by the Board of County Commissioners of Jones County with respect to taxes assessed for the year 1940 and years prior thereto, including settlements of penalties, interest and costs, are hereby ratified and confirmed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

S B. 81 **CHAPTER 109**

AN ACT RELATING TO PUBLIC DRUNKENNESS ON THE HIGHWAYS OR OTHER PUBLIC PLACES IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 14-335 of the General Statutes is hereby amended by adding after the word "County" in line 11 in Subsection 1 the words "Lenoir County." G. S. 14-335, amended as to penalty for public drunkenness, Lenoir County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 105 **CHAPTER 110**

AN ACT AMENDING SECTION 31-6 OF THE GENERAL STATUTES SO AS TO MAKE POSSIBLE TESTAMENTARY PROVISION FOR A SPOUSE IN ADVANCE OF THE MARRIAGE CEREMONY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 31-6 of the General Statutes is hereby amended to read as follows: G. S., 31-6, Revocation of wills by subsequent marriage of maker, amended.

Sec. 31-6. Revocation by marriage; exceptions. A will is revoked by the subsequent marriage of the maker, except as follows:

(1) A will made prior to the marriage of the maker which contains an express statement to the effect that it is made in contemplation of marriage to a person named therein is not revoked by the maker's marriage to such person.

(2) A will made in the exercise of a power of appointment, or so much thereof as is made in the exercise of a power of appointment, if the real or personal estate thereby appointed would not, in default of such appointment, pass to the maker's

heirs or next of kin, is not revoked by the maker's subsequent marriage.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. Effective date. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 106 CHAPTER 111

AN ACT PROVIDING THAT SECTION 52-12 OF THE GENERAL STATUTES SHALL NOT APPLY TO ANY CONSENT JUDGMENT OF THE SUPERIOR COURT WHICH CONSTITUTES A CONTRACT BETWEEN HUSBAND AND WIFE.

The General Assembly of North Carolina do enact:

G. S., 52-12 relating to contracts of wife with husband, amended.

SECTION 1. Section 52-12 of the General Statutes is hereby amended by designating the present Section as Subsection (a) and by adding thereto a Subsection as follows:

(b) This Section shall not apply to any judgment of the Superior Court which, by reason of its being consented to by a husband and his wife, or their attorneys, may be construed to constitute a contract between such husband and wife.

Effective date.

SEC. 2. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 158 CHAPTER 112

AN ACT TO AMEND SECTION 28-83 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE CONVEYANCE OF LANDS BY HEIRS OF AN ESTATE WITHIN TWO YEARS OF THE DATE OF THE DEATH OF THE DECEDENT.

The General Assembly of North Carolina do enact:

G. S., 28-83, relating to conveyances of land by heirs of an estate, amended.

SECTION 1. That Section 28-83 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting after the comma following the word "decedent" in line nine thereof and before the word "shall" in line ten thereof the

following: "or if made after the filing of the final account by the duly authorized executor or administrator of the decedent and the approval thereof by the Clerk of the Superior Court having jurisdiction of the estate,".

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 178 CHAPTER 113

AN ACT TO REPEAL CHAPTER 1025 OF THE SESSION LAWS OF 1945 RELATING TO THE POWERS OF CONSTABLES IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 1025 of the Session Laws of 1945 relating to the restriction of the powers of constables elected in Davidson County be, and the same is hereby, repealed. Ch. 1025, Session Laws 1945, relating to powers of constables, Davidson county, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 187 CHAPTER 114

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO STATUTE REVISION SO AS TO DESIGNATE A REVISOR OF STATUTES, AND TO AMEND THE GENERAL STATUTES RELATING TO THE METHOD OF APPOINTING MEMBERS OF THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Article 2 of Chapter 114 of the General Statutes is hereby amended by adding thereto a new Section, to be numbered Section 114-9.1, as follows: G. S., Art. 2 of Ch. 114, amended to authorize designation of Revisor of Statutes.

Section 114-9.1. Revisor of Statutes. The member of the staff of the Attorney General who is assigned to perform the duties prescribed by Section 114-9 (c) shall be known as the Revisor of Statutes and shall receive a salary to be fixed by the Governor with the approval of the Council of State.

G. S., 164-16, amended to conform.

SEC. 2. Section 164-16 of the General Statutes, as set out in Chapter 157 of the Session Laws of 1945, is hereby amended by striking out the words, "The director of the division of legislative drafting and codification of statutes" and inserting in lieu thereof the words "The revisor of statutes."

G. S., 164-14 (a) (1), relating to appointment of General Statutes Commission, amended.

SEC. 3. Section 164-14 (a) (1) of the General Statutes, as set out in Chapter 157 of the Session Laws of 1945, is hereby amended by striking out the words, "with the approval of the council thereof."

Effective date.

SEC. 4. The public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 217 CHAPTER 115

AN ACT TO AMEND SECTION 101-2 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CHANGING THE NAMES OF PERSONS.

The General Assembly of North Carolina do enact:

G. S., 101-2, amended.

SECTION 1. That Section 101-2 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

Applications to change the name of minors.

Applications to change the name of minor children may be filed by their parent or parents or guardian or next friend of such minor children, and such applications may be joined in the application for a change of name filed by their parent or parents: *Provided* nothing herein shall be construed to permit one parent to make such application on behalf of a minor child without the consent of the other parent of such minor child if both parents be living.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 190 **CHAPTER 116**

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943, RELATING TO THE REGULATION OF THE PRACTICE OF NUSING, BY AMENDING SECTION 90-163, SECTION 90-164, AND SECTION 90-165, AND BY REWRITING SECTION 90-168 AND SECTION 90-169.

The General Assembly of North Carolina do enact:

G. S., 90-163, amended as to examination fees for nurses.

SECTION 1. That Section 90-163, Chapter 90, General Statutes of North Carolina, 1943, is hereby amended by striking out the word "ten" in line sixteen of that Section, and inserting in lieu thereof the word "fifteen."

G. S., 90-164, providing fee for license without examination, amended.

SEC. 2. That Section 90-164, Chapter 90, General Statutes of North Carolina, 1943, is hereby amended by striking out the words and figures "twenty-five dollars ($25.00)" in the last sentence of that Section and inserting in lieu thereof the words and figures "fifteen dollars ($15.00)."

G. S., 90-165, relating to certificates of registration, amended.

SEC. 3. That Section 90-165, Chapter 90, General Statutes of North Carolina, 1943, is hereby amended by striking out and omitting from that Section the following words: "must obtain certificates of registration from the Clerk of the Superior Court of any county as hereinafter provided;".

G. S., 90-168, amended.

SEC. 4. That Section 90-168, Chapter 90, General Statutes of North Carolina, 1943, is hereby amended by rewriting the Section to read as follows:

Renewal of license.

90-168. Renewal of License. The license of every person licensed or deemed to be licensed under the provisions of this Act shall be annually renewed, except as hereinafter provided. On or before November 1st, 1947, and annually thereafter, the board shall mail to the last known address an application for renewal of license to every person who has received from the board license or who has a right to renewal of license because of having received license under the provisions of Chapter 87 of the Public Laws of North Carolina, 1925, as amended, or under laws existing prior thereto. The applicant shall fill in the application blank and return it to the board with a renewal fee of one dollar ($1.00) before January 1st, 1948, and on or before January 1st of each year thereafter. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st. Such certificate of renewal shall render the holder thereof a legal practitioner for the period stated on the certificate of renewal.

Renewal fee.

Certificate of Renewal.

Lapse of license upon failure to renew; reinstatement.

Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license and on payment of a fee of five dollars ($5.00). A lapse shall not be deemed to have accrued during a period of service in the Armed Services of the United States and for six months thereafter.

Practicing during lapse prohibited.

Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this Act. A person licensed under the provisions of this Act desiring

Retirement from practice of nursing.

to retire from practice temporarily, shall send a written notice to the board. Upon receipt of such notice the board shall place the name of such person upon the non-practicing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice in the State. When the person desires to resume practice, application for renewal of license and payment of renewal fee for the current year shall be made to the board.

G. S. 90-169, amended.

SEC. 5. That Section 90-169, Chapter 90, General Statutes of North Carolina, 1943, is hereby amended by rewriting the Section to read as follows:

Revocation or suspension of license.

90-169. Revocation or Suspension of License and Procedure Therefor. The board shall have the power to suspend or revoke the license of any registered nurse upon any one or more of the following grounds, after notice, hearing, and determination by the board as hereinafter provided for: gross incompetency, dishonesty, intemperance, or any act derogatory to the morals or

Procedure for revocation.

standing of the profession of nursing. The procedure for the revocation or suspension of a license shall be in accordance with the provisions of Chapter 150, General Statutes of North Carolina, 1943, entitled "Uniform Revocation of Licenses." Upon the revocation or suspension of a license the name of the holder thereof shall be stricken from the roll of registered nurses in the hands of the secretary of the board.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

H. B. 296 **CHAPTER 117**

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF JACKSONVILLE, IN ONSLOW COUNTY, TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Jurisdiction of police officials, Town of Jacksonville, Onslow County, extended.

SECTION 1. The Chief of Police and each and every member of the Police Department of the Town of Jacksonville, in Onslow County, are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of said Town of Jacksonville as is now exercised by police officers within the corporate limits of the said town.

Conflicting laws, repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1947.

S. B. 41 **CHAPTER 118**

AN ACT TO AMEND G. S. 113-8, AUTHORIZING THE BOARD OF CONSERVATION AND DEVELOPMENT TO ACQUIRE PROPERTY WHEN APPROVED BY THE GOVERNOR AND COUNCIL OF STATE.

The General Assembly of North Carolina do enact:

G. S., 113-8, relating to powers of Board of Conservation and Development, amended.

SECTION 1. That G. S. 113-8 be, and the same hereby is, amended by adding at the end of said Section the following:

The board may acquire such real and personal property as may be found desirable and necessary for the performance of the duties and functions of the Department of Conservation and Development, and pay for same out of any funds appropriated for the department or available unappropriated revenues of the department, when such acquisition is approved by the Governor and Council of State. The title to any real estate acquired shall be in the name of the State of North Carolina for the use and benefit of the department.

Title to real property acquired vested in State.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 61 **CHAPTER 119**

AN ACT TO AMEND SECTION 9-25 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO GRAND JURIES IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

G. S., 9-25, amended.

SECTION 1. The eighteenth paragraph of Section 9-25 of the General Statutes of North Carolina, relating to the selection of a grand jury in Montgomery County, be. and the same is hereby, amended by adding at the end thereof the following:

Grand Juries, Montgomery County. Vacancies, appointment of assistant foreman.

In the event a vacancy or vacancies shall occur in the grand jury of Montgomery County, the resident judge of the Fifteenth Judicial District or the judge holding the court of said county may, in his discretion, order a new juror or jurors drawn to take the oaths prescribed and to fill any vacancy or vacancies occurring thereon. The resident judge of the Fifteenth Judicial District or the presiding judge shall have the power, in his discretion, to appoint an assistant foreman of the grand jury in Montgomery County and said assistant foreman so appointed shall, in the case of death, absence, or disqualification for any reason of the foreman, discharge the duties of the foreman of said grand jury.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 80 **CHAPTER 120**

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF VANCE COUNTY TO INCREASE THE COMPENSATION OF ALL COUNTY OFFICERS AND EMPLOYEES WHICH ARE NOW FIXED BY STATUTE.

The General Assembly of North Carolina do enact:

SECTION 1. The salary of the Deputy Clerk of Vance County is hereby fixed at fifteen hundred dollars ($1500) per annum, to be payable in equal monthly installments. Salary of Deputy Clerk, Vance County.

SEC. 2. The Board of County Commissioners of Vance County is hereby authorized and empowered to increase the base salaries of all officers and employees of the county, including the deputy clerk, by not more than twenty per cent (20%) of the amount fixed by statute. Salary increases for all county officials and employees.

SEC. 3. The increase in salaries authorized by this Act may, in the discretion of the board of county commissioners, be made effective as of January 1st, 1947. The authority to increase the salaries of said officers and employees shall expire June 30th, 1949. Effective date of authorized increase in salaries.

SEC. 4. The Chairman of the Board of County Commissioners of Vance County, in lieu of a per diem, shall receive a salary of twelve hundred dollars ($1200) per year, payable in equal monthly installments, and the other members of the board, in lieu of a per diem, shall each receive a salary of three hundred dollars ($300) per year, payable in equal monthly installments. Compensation of chairman and members of Board of County Commissioners, Vance County.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 92 **CHAPTER 121**

AN ACT TO FIX THE COMPENSATION OF REGULAR AND GRAND JURORS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All regular jurors serving in the Superior Courts of Robeson County and all grand jurors in the said county shall be paid the sum of five dollars ($5.00) per diem for each day's Compensation of regular and grand jurors, Robeson County.

service as jurors, and in addition thereto such jurors shall receive travel allowance at the rate of five cents (5c) per mile for one trip each way during any week of court while traveling to and from their respective homes in order to attend court or perform services for which they have been summoned, said mileage to be computed by the usual route of public travel.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 95 CHAPTER 122

AN ACT TO AMEND THE CHARTER OF THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Ch. 198, Private Laws, 1929, Charter of Shelby, amended.

SECTION 1. Section 2 of Chapter 198 of the Private Laws of 1929, as amended by Chapter 129 of the Public Local Laws of 1941, is hereby amended by striking out the third paragraph thereof, as amended, and inserting in lieu thereof the following:

Compensation of mayor.

The salary of the mayor shall be fixed by the board of aldermen according to the amount of time he devotes to the duties of the office not exceeding five thousand two hundred dollars ($5,200.00) per annum for full time.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 102 CHAPTER 123

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF, REGISTER OF DEEDS, COUNTY COMMISSIONERS, AND CLERK OF THE SUPERIOR COURT OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Chairman, Board of County Commissioners, Lincoln County.

SECTION 1. The Chairman of the Board of County Commissioners of Lincoln County shall receive a salary of fifty dollars ($50.00) per month to be paid out of the general fund of the

county as compensation for the performance of the duties of his office.

Compensation of members of Board of County Commissioners.

SEC. 2. Each member of the Board of County Commissioners of Lincoln County, other than the chairman, shall receive as compensation for the performance of their duties a salary of twenty-five dollars ($25.00) per month plus five cents (5c) per mile for each mile traveled in attendance upon regular and special meetings and in the performance of their duties: *Provided,* that the said members shall also receive ten dollars ($10.00) per day for attendance upon special meetings of the Board of County Commissioners of Lincoln County in addition to the compensation provided for regular meetings. The salaries and expenses herein provided for shall be paid out of the general fund of Lincoln County.

Compensation of Clerk of Superior Court.

SEC. 3. The Clerk of the Superior Court of Lincoln County shall receive a salary of three hundred dollars ($300.00) per month to be paid out of the general fund of the county as compensation for the performance of his duties as Clerk of the Superior Court of said county, and also for his services as ex-officio Clerk of the Lincoln County Recorder's Court and as Judge of the Juvenile Court. The Board of County Commissioners of Lincoln County shall furnish a deputy clerk for the office of the Clerk of the Superior Court of Lincoln County and shall fix his or her salary and pay the same to him or her out of the general fund of said county. The Clerk of the Superior Court of Lincoln County shall continue to collect all fees and commissions provided for by law and shall turn the same over to and account for the same to the County Auditor or other appropriate official of Lincoln County designated to collect the same. The Clerk of the Superior Court of Lincoln County shall continue to be paid and shall be allowed such fees as are now provided to be paid to him by the State of North Carolina which he shall continue to retain as additional compensation.

Deputy clerk authorized.

Collection of fees and commissions by Clerk Superior Court.

Allowance of fees to Clerk Superior Court.

Compensation of Sheriff.

SEC. 4. The Sheriff of Lincoln County shall receive a salary of two hundred and fifty dollars ($250.00) per month to be paid out of the general fund of said county as compensation for the performance of his duties as Sheriff of Lincoln County. The Board of County Commissioners of Lincoln County shall also pay to the Sheriff of Lincoln County the sum of fifty dollars ($50.00) each month out of the general fund of the county as expenses and by way of reimbursement to the sheriff for the use of his automobile and for his traveling expenses within Lincoln County in the maintenance of law and order and in the carrying out of the duties of his office. The board of county commissioners shall furnish the Sheriff of Lincoln County with all necessary clerical help and shall pay for same out of the general fund of said county. The Sheriff of Lincoln County shall continue

Additional allowance for travel expenses.

Clerical help authorized.

Collection of taxes, fees and commissions by Sheriff.

to collect all current taxes and such fees and commissions as now required of him to be collected by law and shall account for and turn the same over to the County Auditor of Lincoln County or such other appropriate public official as the board of county commissioners of said county may designate.

Compensation of Register of Deeds.

SEC. 5. The Register of Deeds of Lincoln County, as compensation for the performance of the duties of his office, shall receive a salary of two hundred dollars ($200.00) per month to be paid to him out of the general fund of said county. The board of county commissioners shall furnish the register of deeds with all necessary clerical help and shall pay for same out of the general fund of said county. The register of deeds shall receive, in addition to his salary as register of deeds, a salary of twenty-five dollars ($25.00) per month payable out of the general fund of said county as compensation for his services as Clerk to the Board of County Commissioners of Lincoln County. In the event the Register of Deeds of Lincoln County is assigned the additional duties of county accountant and/or county auditor and/or county tax collector he shall be paid such additional compensation for the performance of these additional duties as the board of county commissioners may fix and determine in the exercise of their discretion. The register of deeds shall continue to collect all fees and commissions heretofore provided by law and shall turn the same over to and account for the same to the county auditor or other appropriate official designated by the Board of County Commissioners of Lincoln County.

Clerical help authorized.

Additional compensation to Register of Deeds as Clerk to Board of County Commissioners.

Compensation for other services.

Collection of fees and commissions by Register of Deeds.

Payments of office expenses of the various offices.

SEC. 6. In addition to the compensation herein above provided for to be paid to the Clerk of the Superior Court of Lincoln County, the Sheriff of Lincoln County, and the Register of Deeds of Lincoln County, the board of county commissioners of said county shall pay and provide for out of the general fund of the county the payment of all office supplies and necessary equipment required of and needed in the several offices to enable the said officers to perform their respective duties.

Compensation of coroner.

SEC. 7. The Board of County Commissioners of Lincoln County are hereby fully authorized and empowered to pay out of the general fund of said county to the Coroner of Lincoln County a salary of twenty-five dollars ($25.00) per month in lieu of any and all other fees and commissions that said coroner may be entitled to for the performance of his duties as coroner.

Effective date of salaries authorized herein.

SEC. 8. The salaries provided for in this Act shall be effective as of December 1st, 1946, and the general fund budget of Lincoln County is hereby amended to such extent as is necessary to carry out the provisions of this Act.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 114 **CHAPTER 124**

AN ACT TO FIX THE COMPENSATION OF GRAND AND PETIT JURORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes is hereby amended by adding at the end thereof the following: G. S., 9-5, amended.

All jurors and grand jurors in the Superior Court of Columbus County shall receive five dollars ($5.00) per day for each day or fraction thereof spent in the actual performance of their duties as jurors or grand jurors. No mileage shall be paid to said jurors or grand jurors. Fees of Superior Court Jurors, Columbus County.

All jurors in the Recorder's Court of Columbus County shall receive five dollars ($5.00) per day for each day or fraction thereof spent in the actual performance of their duties as jurors. Fees of Recorder's Court Jurors, Columbus County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 116 CHAPTER 125

AN ACT TO AMEND CHAPTER 97 OF THE PRIVATE LAWS OF 1895 OF NORTH CAROLINA, AS AMENDED BY CHAPTER 568 OF THE 1945 SESSION LAWS OF NORTH CAROLINA, TO PROVIDE FOR FIVE COMMISSIONERS INSTEAD OF THREE FOR THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

Ch. 97, Private Laws 1895, and Ch. 568, Session Laws 1945, amended.

SECTION 1. That Section 3 of Chapter 97 of the Private Laws of 1895, as amended by Chapter 568 of the Session Laws of 1945, is hereby rewritten to read as follows:

Officials of City of Belmont.

Section 3. The officers of said city shall consist of a mayor and five (5) commissioners, to be elected, at large, in accordance with the general laws regulating elections in towns and cities.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 106 CHAPTER 126

AN ACT TO FIX THE SALARY OF THE SHERIFF OF CHEROKEE COUNTY, RELIEVE HIM OF THE DUTIES OF TAX COLLECTOR, REQUIRE THE COUNTY ACCOUNTANT TO COLLECT CHEROKEE COUNTY TAXES AND PROVIDE HIM WITH AN ASSISTANT.

The General Assembly of North Carolina do enact:

Sheriff of Cherokee County relieved of duties as tax collector.

SECTION 1. The Sheriff of Cherokee County, North Carolina is hereby relieved of the duties and responsibilities of the collection of taxes, licenses, fees, penalties and other revenues due Cherokee County; *provided, however,* that nothing in this Act shall apply to the collection of 1946 Cherokee County taxes which are now in the hands of L. L. Mason, former sheriff, for collection.

Exception.

Compensation of Sheriff.

SEC. 2. That the Sheriff of Cherokee County shall receive a salary of thirty-six hundred dollars ($3600.00) per year payable monthly from the general funds of the county, effective and retroactive to the first Monday in December, 1946, and in addition, except as to commissions for the collection of taxes, shall receive all fees, commissions and compensation which now

are, or may hereafter be allowed the sheriff for any and all services not connected with the collection of taxes.

County Accountant made Ex-Officio Tax Collector.

SEC. 3. The County Accountant of Cherokee County is hereby made Ex-Officio Tax Collector of Cherokee County and from and after the effective date of this Act shall, as a part of his duties as county accountant, perform all the duties now required of the sheriff of the county in the collection of taxes and is hereby vested with the same power and authority and subject to the same penalties and conditions as are now applicable to sheriffs in the collection of taxes, licenses, fees, penalties and other revenues, and is hereby vested with all the power and authority in connection with the collection of taxes now by law vested in the Sheriff of Cherokee County; *provided, however,* that this shall not apply to property and poll taxes for the year 1946, the books for which are now in the hands of L. L. Mason, former sheriff.

Duties and powers as Tax Collector.

Exception.

Bond required as Tax Collector.

SEC. 4. The County Accountant of Cherokee County as such tax collector shall give the same bond as is now required by law of the sheriff of the county as tax collector and shall be subject to all the laws relating to settlement in accounting for taxes now applicable to the sheriff as tax collector.

Payment of bond premium.

SEC. 5. That the Board of County Commissioners of Cherokee County is hereby authorized and directed to pay the premium on such bond required of the county accountant in connection with his duties as such tax collector.

County Accountant required to keep certain records.

SEC. 6. The county accountant shall keep a separate record showing what the commissions to the sheriff as tax collector under the old law would have been and shall segregate the same and pay such percentage on all taxes collected for the various purposes into the general fund of the county to be applied so far as necessary in the payment of the salary of the sheriff and clerical assistant for the county accountant, but other general funds to the extent necessary may be used to pay said salaries.

Clerical assistant to county accountant authorized.

Salary of assistant.

SEC. 7. The Board of Commissioners of Cherokee County is authorized and directed to employ one clerical assistant for the county accountant who shall hold such office at the pleasure of the board, and said board is authorized to fix the salary of such employee at a sum not exceeding fifteen hundred dollars ($1500.00) per year.

Collection and settlement of 1946 taxes by former sheriff.

SEC. 8. That L. L. Mason, former sheriff and tax collector, who has in his hands for collection the tax books of Cherokee County relating to property and poll taxes for the year 1946; by virtue of the law then in force, shall continue to collect, account for and settle said 1946 taxes with all the powers, duties, and responsibilities vested in him by law existing prior to the passage of this Act and nothing in this Act shall in any

wise relate to or affect the collection of 1946 property and poll taxes.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 10. That this Act shall be in full force and effect from and after the date of its ratification, except that as to the monthly salary of the Sheriff of Cherokee County which shall be retroactive and effective as of the first Monday in December, 1946.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 108 CHAPTER 127

AN ACT TO AMEND CHAPTER 556 OF THE PUBLIC LAWS OF 1905 RELATING TO THE MOORESVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 556, Public Laws, 1905, relating to Mooresville Graded School District, amended.

SECTION 1. That Section 3 of Chapter 556 of the Public Laws of 1905 be amended as follows:

Add the word "may" between the words "and" and "make" in line six of said Section; and by striking out the words "separate books" in line seven of said Section and inserting in lieu thereof "the same book."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 125 **CHAPTER 128**

AN ACT TO REQUIRE QUARTERLY REPORTS AND ANNUAL AUDITS OF FUNDS HELD OR USED FOR THE OPERATION OF LUNCHROOMS, DRAMATIC CLUBS, ATHLETIC, LYCEUM, AND OTHER SIMILAR SCHOOL FUNCTIONS OR ACTIVITIES IN THE PUBLIC SCHOOLS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Quarterly reports of funds received and expended for certain activities in public schools of Forsyth County required.

SECTION 1. It shall be the duty of the manager of any school cafeteria, cafe, or lunchroom, and the manager, treasurer, or sponsor of any dramatic club, lyceum, or athletic committee sponsoring such lunchroom or dramatic or athletic activities to file quarterly reports with the chairman of the county board of education if the school in which such function or activity is operated is within a county school administrative unit, or with the chairman of the board of trustees of the city administrative unit if the school be located within the boundaries of such unit, and a copy of such report shall be filed with the principal of the school in which such activity is operated who shall post the same upon the bulletin board in such school. The reports herein required shall, among other things, contain a detailed accounting of all funds received and/or expended in connection with any one or all of the activities herein covered.

Annual audits required.

SEC. 2. The county board of education as to schools located in the county unit and the city board of trustees as to schools operated in the city administrative unit shall, at least once each school year, cause a detailed audit to be made of the records and of the funds received and/or expended in connection with any one or more of said activities operated in the schools of the respective unit. The original of such audit shall be filed with the chairman of the board of education of the respective unit and a copy with the principal of the school in which such activity is operated, and a certified copy shall be posted upon the bulletin board in the court house and in the school in which the particular activity is operated. The first such audit and report shall be made to cover the period from January 1st, 1947.

Audits filed and posted.

Payment of expense of such audits.

SEC. 3. The expense of making such audit or audits shall either (a) be a charge against the funds held by the manager and/or treasurer of the fund of the particular function or activity audited, or (b) be paid out of the general school funds of the city or county as the case may be, as may be ordered by the county board of education as to county schools and by the city board of trustees as to city schools.

Maintenance of records.

SEC. 4. It shall be the duty of the manager, treasurer, operator, or sponsor of any of the activities herein mentioned to keep records of their activities, including the receipt and/or disburse-

ment of all funds and such records shall be opened for inspection by any interested citizen.

Application of Act.

SEC. 5. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 149 CHAPTER 129

AN ACT TO PROVIDE A MORE UNIFORM REPRESENTATION OF THE PEOPLE OF HARNETT COUNTY ON THE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Harnett County divided into five districts for election of members of Board of Education.

SECTION 1. For the purpose of electing members of the Board of Education of Harnett County, the County of Harnett is hereby divided into five districts, as follows:

(1) District One shall consist of Averasboro Township;

(2) District Two shall consist of Duke and Grove Townships;

(3) District Three shall consist of Black River, Neill's Creek, Hector's Creek, and Buckhorn Townships;

(4) District Four shall consist of Lillington, Stewart's Creek, and Anderson's Creek Townships;

(5) District Five shall consist of Upper Little River, Barbecue, and Johnsonville Townships.

Nomination of members.

SEC. 2. At the convention or primary for the nomination of county officers and Members of the General Assembly next following the passage of this Act, and biennially thereafter, there shall be nominated by each political party one member of the board of education from each of the five districts designated in Section 1 of this Act.

Election of members.

The candidates so nominated from each district shall be voted on in the general election by the qualified voters of Harnett County, and the candidate from each district who shall receive the largest number of votes in the general election from the county at large shall be declared the nominee from said district for membership upon the Board of Education of Harnett County.

SEC. 3. The term of office of the members of the Board of Education of Harnett County shall be for a period of two years, and until their successors are elected and qualified. Term of office.

SEC. 4. This Act shall apply to Harnett County only. Application of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 174 CHAPTER 130

AN ACT REWRITING SECTION 7-395 OF THE GENERAL STATUTES RELATING TO THE POWERS OF THE CLERKS OF COUNTY CRIMINAL COURTS TO ISSUE WARRANTS AND OTHER PROCESSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 7-395 of the General Statutes is hereby rewritten to read as follows: G. S., 7-395, relating to County Criminal Courts, rewritten.

Section 7-395. Process. The Clerks of the Superior Court as ex officio clerks and/or the clerks of county criminal courts or any of their deputies, upon application and the making of proper affidavit, as provided by law, shall have power and authority to issue any criminal warrant or warrants, peace warrants, subpoenas, and/or other processes of law in said court and make the same returnable before the judge thereof, at any time or times designated for the trial of criminal cases, and shall be directed to the sheriff or other lawful officer of the county, and the service thereof shall be lawfully made when made by the sheriff, deputy sheriff, of the county, or any constable of said county, or by any rural policeman or municipal officer, and all warrants and subpoenas and other processes issued by the Clerk of the Superior Court as ex officio clerk or the clerk of such court, when attested by the seal of said court, shall run anywhere in the State of North Carolina, and shall be executed by all officers in the same manner and way as processes now issued by the Superior Court. Issuance of Process by Clerk. Recognized as Processes issued by Superior Court.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 175 CHAPTER 131

AN ACT TO AMEND CHAPTER 139 OF THE GENERAL STATUTES, RELATING TO SOIL CONSERVATION DISTRICTS.

The General Assembly of North Carolina do enact:

G. S., 139-2, as to prevention of soil erosion, amended.

SECTION 1. Paragraph C of G. S. 139-2 is hereby amended by inserting the words "farm drainage;" in line 13 after the words "contour furrowing;" and before the words "land irrigation."

G. S., 139-3, amended.

SEC. 2. G. S. 139-3 is hereby amended by rewriting paragraph 12 of said Section to read as follows:

"Due Notice," defined.

(12) "Due notice" means notice given by posting the same at the courthouse door and at three other public places in the county, including those where it may be customary to post notices concerning county or municipal affairs generally, not less than ten days before the date of the event of which notice is being given. At any hearing held pursuant to such a notice at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

G. S., 139-4, creating the State Soil Conservation Committee, amended.

SEC. 3. Paragraph A of G. S. 139-4 is hereby amended by rewriting said paragraph to read as follows:

Membership.

A. There is hereby established to serve as an agency of the State and to perform the functions conferred upon it in this Chapter, the State Soil Conservation Committee which shall be composed of the following members. The following shall serve, ex-officio, as members of the committee: the Director of the State Agricultural Extension Service, the Director of the State Agricultural Experiment Station, and the State Forester. Three members shall consist each year of the President, First Vice-President and the immediate past President of the State Association of Soil Conservation District Supervisors. The committee shall invite the Secretary of the United States Department of Agriculture to appoint some resident of North Carolina to serve as a member of the committee. The committee, in cooperation with the North Carolina State College of Agriculture and Engineering in the State, shall develop a program for soil conservation and for other purposes as provided for in this Chapter, and shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this Chapter.

Functions, official records.

Paragraph C of G. S. 139-4 is hereby amended by rewriting the third sentence of said paragraph to read as follows: G. S., 139-4, further amended.

Every member of the State Committee who does not receive a salary from an agency of the State or Federal Government, shall receive a per diem of five dollars ($5.00) while engaged in the discharge of the duties of the committee, and all members of the State Committee shall be entitled to their necessary expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the committee. Per diem and travel expenses for members.

SEC. 4. G. S. 139-5 is hereby amended by rewriting the first two paragraphs of Subsection F of said Section to read as follows: G. S., 139-5, relating to creation of Soil Conservation Districts, amended.

F. If the committee shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two temporary supervisors to act as the governing body of the district, who shall serve until supervisors are elected or appointed and qualify as provided in Sections 139-6 and 139-7. Such districts shall be a governmental subdivision of this State and a public body corporate and politic, upon the taking of the following proceedings: Appointment of Temporary Supervisors.

The two appointed temporary supervisors shall present to the Secretary of State an application signed by them which shall set forth (and such application need contain no detail other than the mere recitals): (1) that a petition for the creation of the district was filed with the State Soil Conservation Committee pursuant to the provisions of this Chapter and that the proceedings specified in his Chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and public body, corporate and politic under this Chapter; and that the committee has appointed them as supervisors; (2) the name and official residence of each of the temporary supervisors, together with a certified copy of the appointment evidencing their right to office; (3) the name which is proposed for the district; and (4) the location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said temporary supervisors before an officer authorized by the laws of this State to take and certify oaths, who shall certify upon the application that he personally knows the temporary supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a statement by the State Soil Conservation Committee, which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid, that the committee Application for organization of District. Verification of application. Certificate of State Soil Conservation Committee.

did duly determine that there is need, in the interest of the public health, safety and welfare, for a soil conservation district to function in the proposed territory and did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast in such referendum to be in favor of the creation of the district; that thereafter the committee did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the committee.

G. S., 139-6, amended.

SEC. 5. G. S. 139-6 is hereby amended by rewriting said Section to read as follows:

Election of County Soil Conservation Committees.

Sec. 139-6. Election and duties of county committee; county chairmen to be district supervisors. After issuance by the Secretary of State of the certificate of organization of the soil conservation district, nominating petitions may be filed with the State Soil Conservation Committee not less than ten nor more than sixty days preceding the first day of election week as provided in this Section, to nominate candidates for a soil conservation committee in each county of the district, to be composed of three members. And qualified voter may sign as many nominating petitions as there are vacancies on the county committee to be filled, but no nominating petition shall be accepted by the committee unless it shall be subscribed by twenty-five or more qualified voters of such county.

Membership.

Elections held annually.

An election to elect a member or members of a county committee shall be held annually during the week of December in which the first Tuesday after the first Monday falls, and the polls shall be open each weekday of that week from six-thirty o'clock A.M. to six-thirty o'clock P.M., Eastern Standard Time.

Terms of office.

At the first election held pursuant to this Chapter, as amended, the candidate receiving the largest vote shall be elected for a term of three years, the candidate receiving the next largest number of votes shall be elected for a term of two years and the candidate receiving the third largest number of votes shall be elected for a term of one year.

Ballots.

The names of all nominees on behalf of whom such petitions have been signed within the time herein designated, shall appear, arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and a direction to insert an X mark in the squares before any three names to indicate the voter's preference in said first election.

Eligible voters.

All qualified voters residing within the county shall be eligible to vote in such election. The three candidates who shall receive the largest number of the votes cast in such election shall be elected members of the

soil conservation committee for the county. Their successors shall be elected for a term of three years. All members of the county committee elected pursuant to this Chapter shall take office on the first Monday in January following their election.

Expenses of election paid by State Committee.

The State Committee shall pay all of the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such an election and the determination of the eligibility of voters therein, and shall publish the results thereof.

County Committee officers.

A county committee shall select from its members a chairman, a vice-chairman, and a secretary. The chairman will be ex-officio a member of the Soil Conservation District Board of Supervisors; the vice-chairman will be first alternate district supervisor; and the secretary will be second alternate district supervisor.

Duties of members of County Committees.

It shall be the duty of members of a county soil conservation committee (1) to be responsible for the securing of nominating petitions for the election of the county committee, providing for elections, reporting the results thereof to the district supervisors, who, in turn, shall report the results to the State Committee, all to be done under the supervision of the State Committee; (2) to work in close harmony with the district supervisors of their district in the performance by the district supervisors of their duties set out in paragraphs (1), (2), and (6) of G. S. 139-8; (3) to further develop annual county goals and plans for reaching these goals for soil conservation work in their county; and (4) to request agencies whose duties are such as to render assistance in soil and water conservation to set forth in writing or memorandum what assistance they may have available in the county and report such to the district supervisors.

G. S., 139-7, amended.

SEC. 6. G. S. 139-7 is hereby amended by rewriting the first two paragraphs of the same to read as follows:

Governing Body of Districts.

The governing body of any district shall consist of the chairmen of the county committees of the counties within the district, together with such additional supervisor or supervisors as may be appointed by the State Committee pursuant to this paragraph, except that when a district is composed of only one county, the members of the county committee shall be members of the board of supervisors of the district which such county comprises. When a district is comprised of less than four counties, the State Committee shall appoint two residents of the district to serve as district supervisors along with the elected supervisors. When a district is comprised of four or more counties, the State Committee may, but is not required to, appoint one resident of the district to serve as a district supervisor along with the

elected supervisors. Such appointive supervisors shall qualify and assume their duties at the same time as the elected supervisors and shall serve for a term of three years. When a vacancy arises with respect to an appointive supervisor, the State Committee shall fill such vacancy for the unexpired term by appointment of a resident of the district in which the vacancy occurs. Every supervisor shall hold office until his successor has been elected or appointed and qualifies. When a vacancy arises on a county committee, the vacancy shall be filled by appointment by the State Committee, of a resident of the county, to serve the remainder of the unexpired term.

Vacancies: Appointive Supervisors, and County Committees.

Designation of Chairman of Supervisors.

The supervisors shall designate a chairman and may, from time to time, change such designation. A simple majority of the board shall constitute a quorum for the purpose of transacting the business of the board, and approval by a majority of those present shall be adequate for a determination of any matter before the board, provided at least a quorum is present. Supervisors of soil conservation districts shall receive a per diem of five dollars ($5.00) and necessary expenses for attendance upon meetings of district supervisors, provided that when a per diem and expense allowance is claimed for attendance upon any district supervisor's meetings outside the district for which such supervisor serves, the same may not be paid unless written approval is obtained from the State Committee prior to any such meeting.

Per diem and expense allowance for Supervisors.

G. S., 139-7, amended.

SEC. 7. G. S. 139-7 is hereby further amended by adding a new paragraph at the end of said Section as follows:

Tenure of district supervisors.

All district supervisors whose terms of office expire prior to the first Monday in January, 1948, shall hold over and remain in office until supervisors are elected or appointed and qualify as provided in this Chapter, as amended. The terms of office of all district supervisors, who have heretofore been elected or appointed for terms extending beyond the first Monday in January, 1948, are hereby terminated on the first Monday in January, 1948.

G. S., 139-14 enacted.

SEC. 8. Chapter 139 of the General Statutes is hereby amended by adding at the end of said Chapter a new Section, to be numbered Section 139-14, as follows:

Division of large Soil Conservation Districts.

Section 139-14. Dividing large districts. Whenever the State Committee shall receive a petition from any board of district supervisors signed by all supervisors of such district, the State Committee shall have the authority to divide such district into two or more districts. The governing bodies of the resulting districts shall be composed of supervisors in the same manner and in the same number as is provided in Sections 139-6 and 139-7 of this Chapter. Upon the creating of new districts through

dividing an existing district under the provisions of this Section, the State Committee shall appoint all district supervisors necessary to give such district its full quota of supervisors who shall serve until regular supervisors are elected or appointed, as the case may be, at the time of the next regular election of supervisors. The State Committee shall assign a name to each district resulting from the division of the district under the provisions of this Section and do all other things necessary to complete the organization of such new districts and place them on an operating basis.

Appointment of Supervisors for new districts.

Organization of new districts.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 205 CHAPTER 132

AN ACT TO REGULATE THE OPERATION OF FILLING STATIONS, TOURIST CAMPS, CABIN CAMPS, TOURIST HOMES, PUBLIC DANCE HALLS, ROADHOUSES, RESTAURANTS, HOTELS, TRAILER CAMPS, AND PLACES OF AMUSEMENT OUTSIDE THE CORPORATE LIMITS OF ANY MUNICIPALITY IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Any person, firm, or corporation desiring to enter into the business of operating a filling station, tourist camp, cabin camp, tourist home, public dance hall, roadhouse, restaurant, hotel, trailer camp, or any place of amusement or recreation, by whatever name called, outside the corporate limits of any municipality in Cumberland County shall first apply for and obtain from the Board of County Commissioners of Cumberland County a permit for the privilege of engaging in such business. The application shall contain:

Permit required for operation of certain businesses outside corporate limits of municipalities in Cumberland County.

(1) The name and residence of the applicant and the length of such residence within the State of North Carolina.

Contents of application for permit.

(2) The particular place for which the permit is desired.

(3) The name of the owner of the premises upon which the business is to be carried on.

(4) That the applicant intends to carry on the business authorized by the permit for himself or under his immediate supervision and direction.

(5) If the applicant is an individual he shall furnish to the county commissioners a certificate of good moral character; that he has never been convicted of a felony or other crime involving moral turpitude; and that he has not, within the last two years prior to the filing of the application, been adjudged guilty of violating the prohibition laws of either the State or Federal Government. In the case of a corporation applying for such permit, the statement with respect to individual applicants herein set out must be furnished by the person under whose supervision such business is to be carried on. If it appears from the statement of the applicant or otherwise that he is not a person of good moral character or that he has at any time been convicted of a felony or other crime involving moral turpitude, or that he has, within two years prior to the filing of the application, been adjudged guilty of violating the prohibition laws, either State or Federal, or that he has within two years prior to the filing of the application completed a sentence for the violation of the prohibition laws, such license shall not be granted. If it appears that any false statement is knowingly made in any part of the application and a permit is received thereon, the permit shall be revoked. Before issuing a permit, the board of county commissioners shall be satisfied that the statements required by Subsections (1), (2), (3), (4), and (5) of this Section are true.

Revocation of permit for false statements.

Violations made misdemeanor.

SEC. 2. Any person, firm, or corporation who or which shall engage in the business described in Section 1 of this Act without first obtaining the permit herein required shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 249 **CHAPTER 133**

AN ACT AUTHORIZING THE CONVEYANCE TO BERTIE COUNTY OF THE RIVERSIDE SCHOOL PROPERTY FOR USE AS A COMMUNITY HOUSE.

The General Assembly of North Carolina do enact:

Conveyance of Riverside School property to Bertie County authorized.

SECTION 1. The County Board of Education of Bertie County, having found in its opinion that the Riverside schoolhouse, schoolhouse lot and site and school property have become unnecessary for public school purposes, is hereby authorized, empowered and directed to sell and convey the Riverside schoolhouse, schoolhouse lot and site and other school property connected therewith, to Bertie County for the nominal price and consideration of one dollar, and to execute and deliver to Bertie County its good and sufficient deed therefor in fee simple.

Acceptance of property by County Commissioners.

SEC. 2. The Board of County Commissioners of Bertie County is hereby authorized, empowered and directed to accept in the name of Bertie County a conveyance from the County Board of Education of Bertie County for the Riverside schoolhouse, schoolhouse lot and site and other school property connected therewith; to pay therefor the nominal price of one dollar; to take, hold, maintain, repair, manage and operate the same for the use and benefit of the citizens of Bertie County as a community house, polling place, public auditorium and place of amusement; to adopt and promulgate rules and regulations for the operation of the same; and to delegate to such person, or committee of persons, as it may from time to time appoint the management and operation of the same, subject always to the approval and control of the board of county commissioners.

Maintenance and operation of property.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 275 **CHAPTER 134**

AN ACT RELATING TO THE SURVEY OF CERTAIN PROPERTY AND STATE WATERS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 376, Session Laws, 1945, amended to extend time for survey of certain property and waters, Currituck County.

SECTION 1. Chapter 376 of the Session Laws of 1945 is hereby amended by striking out the last paragraph of Section 1 and inserting in lieu thereof the following:

On or before the first day of October, 1948.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 286 **CHAPTER 135**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO EXPEND CERTAIN SURPLUS FUNDS FOR DRAINAGE PURPOSES.

Preamble:

Flooding of Certain properties, New Hanover County, causing serious health problem.

WHEREAS, certain properties in New Hanover County have been and are generally flooded during rainy seasons; and

WHEREAS, more specifically, the waters flooding down from the southern area of the county to the Town of Carolina Beach, flood water in the Winter Park Community and various other places in New Hanover County cause the sewers and septic tanks to overflow therein and thereby causing a serious health problem and endangering the lives and health of the people of New Hanover County; and

Necessity for suitable drainage equipment.

WHEREAS, in order to alleviate this condition it is deemed necessary that drainage equipment be purchased or rented and that suitable persons be employed to operate such equipment and to perform the necessary labor in addition to convict labor which may be furnished by the State or county to accomplish this purpose; *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriation and expenditure of unexpended surplus funds for drainage purposes authorized.

SECTION 1. The Board of County Commissioners of New Hanover County are hereby authorized to appropriate out of any unexpended surplus funds which may now be on hand, or may be hereafter acquired, including the sum of three hundred

sixty-seven dollars and sixty-eight cents ($367.68) which is now credited to Drainage No. 3 at Carolina Beach, now no longer in existence and against which there is no indebtedness, for the fiscal year 1946-1947 a sum not to exceed fifteen thousand dollars ($15,000.00), to be used for the purpose of purchasing or renting such drainage equipment as they may deem necessary to alleviate the problem set out in the preamble to this Act, and for the purpose of employing suitable personnel and labor to carry out such operations.

Subsequent appropriations.

SEC. 2. The Board of County Commissioners of New Hanover County are hereby authorized to appropriate annually hereafter a sum not to exceed fifteen thousand dollars ($15,000.00) for the purposes aforesaid, such funds to be taken from receipts paid into New Hanover County by the Alcoholic Beverage Control Board and earmarked for the specific purposes set out in this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 288 CHAPTER 136

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF POLK COUNTY TO ADJUST OR CANCEL DELINQUENT TAX ACCOUNTS FOR THE PERIOD 1927 THROUGH 1941.

The General Assembly of North Carolina do enact:

Adjustment or cancellation of certain delinquent taxes, Polk County, authorized.

SECTION 1. The Board of County Commissioners of Polk County is hereby authorized to adjust, compromise or cancel any delinquent ad valorem or poll tax account for the years of 1927 through 1941, inclusive, in all instances where, in the judgment of the board of county commissioners, the full amount of such taxes, penalties, and interest, together with the cost of foreclosure, is uncollectible, and the total value of the property liable for any such delinquent tax account does not equal the total amount of such account including taxes, penalties, interest and the cost of collecting or foreclosure; *provided* that no such delinquent tax account shall be cancelled in its entirety without any payment whatsoever being required thereon, except in cases

where, in the judgment of the board of county commissioners, the total value of all property liable for such tax account does not equal the cost of collection or foreclosure.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

H. B. 292 CHAPTER 137

AN ACT TO AMEND CHAPTER 53 OF THE SESSION LAWS OF 1945 RELATING TO PUBLICATION OF THE MINUTES OF THE BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 53, Session Laws, 1945, relating to publication of minutes of Board of Education, Currituck County, amended, to include all vouchers issued.

SECTION 1. Section 2 of Chapter 53 of the Session Laws of 1945 is hereby amended by inserting between the word "thereof" in line two and the word "shall" in line three the following:

including a list of all vouchers issued during the previous month and giving the payee's name and the amount of each voucher.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1947.

S. B. 43 CHAPTER 138

AN ACT TO AMEND SECTION 7-134 OF THE GENERAL STATUTES SO AS TO REGULATE AND FIX THE FEES OF JUSTICES OF THE PEACE IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

G. S., 7-134, amended.

SECTION 1. Section 7-134 of the General Statutes be, and the same is hereby, amended by adding at the end thereof a paragraph to read as follows:

Fees of justices of the peace, Lincoln County.

In Lincoln County, justices of the peace shall receive not in excess of the following fees: Issuing summons (original), seventy-five cents (75c); issuing summons (copy), fifty cents (50c); additional defendants each, fifty cents (50c); issuing ejectment proceeding (original), seventy-five cents (75c); issuing ejectment proceeding (copy), fifty cents (50c); additional defendants each, fifty cents (50c); plaintiffs undertaking, fifty cents (50c); defendants undertaking, fifty cents (50c); order for removal, fifty cents (50c); issuing subpoena each witness, fifty cents (50c); judgment not contested each, one dollar ($1.00); judgment contested each, where there is no jury trial, one dollar and fifty cents ($1.50); transcript of judgment each, fifty cents (50c); issuing execution of judgment, fifty cents (50c); return notice on appeal, seventy-five cents (75c); jury trial and entering judgment, two dollars ($2.00); issuing subpoena or order for each juror, twenty-five cents (25c); issuing claim and delivery proceeding each, two dollars and fifty cents ($2.50); additional defendants each, fifty cents (50c); issuing attachment proceeding and order to seize property, each, two dollars and fifty cents ($2.50); signing garnishee notice for taxes for each person, twenty-five cents (25c); for each hearing and judgment entered, one dollar and fifty cents ($1.50); probate of deed, chattel mortgage, or deed of trust for each signer thereof, twenty-five cents (25c); hearing petition for widow's year's allowance, issuing notice to commissioner, alloting the same making returns, three dollars ($3.00); filing and docketing labor's lien, one dollar ($1.00); continuance of any action, fifty cents (50c); affidavit each defendant, fifty cents (50c); warrant each defendant, seventy-five cents (75c); issuing subpoena each witness, twenty-five cents (25c); commitment each, fifty cents (50c); recognizance each witness, fifteen cents (15c); judgment not contested each, one dollar ($1.00); judgment contested each where there is no jury trial, one dollar and fifty cents ($1.50); order for removal, fifty cents (50c); taking bond for each defendant, fifty cents (50c); capias and order, one dollar ($1.00); jury trial and entering judgment, two dollars ($2.00); issuing subpoena or order for each juror, twenty-five cents, 25c); sci. fa. each, one dollar ($1.00); return to notice of appeal, fifty cents (50c); continuance of a cause, fifty cents (50c).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 44 **CHAPTER 139**

AN ACT TO AMEND CHAPTER 905 OF THE SESSION LAWS OF 1945, RELATING TO THE AMOUNT OF DEPOSIT WHEN A TRIAL BY JURY IS REQUIRED SO AS TO MAKE THE SAME APPLICABLE TO LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 905 Session Laws 1945, amended to apply to Lincoln County.

SECTION 1. That Section 2 of Chapter 905 of the Session Laws of 1945 be, and the same is hereby, amended to read as follows:

SECTION 2. This Act shall apply only to Durham and Lincoln Counties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 57 **CHAPTER 140**

AN ACT TO AMEND SECTION 57-18 OF THE GENERAL STATUTES OF NORTH CAROLINA, DEFINING "EMPLOYER" TO INCLUDE SUBSIDIARY CORPORATIONS EXEMPT FROM ACT REGULATING HOSPITAL AND MEDICAL CARE CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S., 57-18, providing exemptions from Act regulating Hospital and Medical Care Associations, amended.

SECTION 1. That Section 57-18 of the General Statutes of North Carolina be, and it hereby is, amended by adding after the first word "employer" used therein, and before the ensuing "and," the following:

"or his or its subsidiary or subsidiaries."

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 82 **CHAPTER 141**

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT TO ISSUE WRITS OF ASSISTANCE IN THE ALLOTMENT OF DOWER, AMENDING G. S. 30-12.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 30-12 be, and the same hereby is, amended by adding at the end of said Section the following: G. S., 30-12, relating to Petitions for Dower, amended.

And in all such cases the Clerk of the Superior Court, upon application by the widow, shall have authority to issue a writ of assistance to place her in possession of the land allotted to her as dower. Writ of Assistance.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 99 **CHAPTER 142**

AN ACT TO AMEND CHAPTER 343 OF THE PUBLIC LAWS OF 1929 RELATING TO THE ESTABLISHMENT OF DOMESTIC RELATIONS COURTS IN CERTAIN COUNTIES AND CITIES IN NORTH CAROLINA SO AS TO INCLUDE NEW HANOVER COUNTY WITHIN ITS PROVISIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 10 of Chapter 343 of the Public Laws of 1929 be, and the same is hereby, amended by striking out the words "New Hanover" in line six of said Section. Ch. 343, Public Laws, 1929, amended to provide for establishment of Domestic Relations Courts in New Hanover County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 105 **CHAPTER 143**

AN ACT TO REQUIRE THE TOWN OF MURPHY TO PAY CERTAIN JAIL FEES IN CASES OF PUBLIC DRUNKENNESS AND MISDEMEANORS GROWING OUT OF VIOLATION OF TOWN ORDINANCES.

Preamble:

Maintenance of municipal jail by Town of Andrews, Cherokee County.

WHEREAS, the Town of Andrews in Cherokee County maintains a municipal jail and pays the expenses thereof for all of the type of prisoners hereinafter referred to; and

Municipal jail not maintained in Town of Murphy.

WHEREAS, the Town of Murphy does not maintain a municipal jail and all prisoners of the type hereinafter mentioned are now committed to the common jail of Cherokee County and Cherokee County has been forced to pay the jail fees and other expenses of such prisoners; and

Unfair discrimination.

WHEREAS, this has resulted in an unfair discrimination in favor of the Town of Murphy and against the Town of Andrews: *Now, therefore,*

The General Assembly of North Carolina do enact:

Town of Murphy required to pay certain jail fees.

SECTION 1. That in all cases where a person is arrested for public drunkenness by the police officers of the Town of Murphy, or is arrested for a misdemeanor which is only a misdemeanor because it is a violation of an ordinance of the Town of Murphy, and is committed to the common jail of Cherokee County, the Town of Murphy shall pay all turnkey fees, jail fees and other fees and expenses now or hereinafter required by law to be paid to the county jailer or other person on account of such prisoners.

Records to be maintained by sheriff as to fee due from Town of Murphy.

SEC. 2. That the Sheriff of Cherokee County or person employed by him and placed in charge of the Cherokee County Jail shall keep a separate list of all persons arrested by the police officers of the Town of Murphy for the causes above specified and placed in said Cherokee County Jail and shall submit the same with the name of the prisoner, the date of arrest and the date of discharge, with the turnkey and jail fees, together with any necessary medical fees to the Treasurer of the Town of Murphy, each month and such treasurer shall have the right to inspect the jail records to verify such charges.

Payment of fees to be made by Treasurer of Town of Murphy.

SEC. 3. That the Treasurer of the Town of Murphy within five days after the submission of such report and bill to him by the said Sheriff of Cherokee County, is hereby required and directed to pay to such sheriff the turnkey fees, jail fees and necessary medical fees covered by such report.

Amount of fees.

SEC. 4. That the fees to be paid by the Town of Murphy for the prisoners of the class above specified shall be the same fees paid by the county for other prisoners.

SEC. 5. That in all cases where any prisoner of the class above mentioned is tried by the Mayor of the Town of Murphy and sentenced to and actually serves a term on the public highways in lieu of his payment of fine and costs, Cherokee County shall reimburse the Town of Murphy for the turnkey fees, jail fees and necessary medical fees that the town may have paid to the sheriff and jailer of the county for such prisoner, but this reimbursement shall only be in case of prisoners actually sentenced to and serving sentences on the public highways under the supervision of the State Highway and Public Works Commission.

Reimbursement of fees to town in cases where road sentence is served.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 108 **CHAPTER 144**

AN ACT TO MAKE SECTION 14-197 OF THE GENERAL STATUTES, RELATING TO THE USE OF PROFANE OR INDECENT LANGUAGE ON PUBLIC HIGHWAYS, APPLICABLE TO ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 14-197 of the General Statutes be amended by striking out the word "Orange" in next to the last line of said Section.

G. S., 14-197, amended to prohibit use of profane language on public highways, Orange County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 112 **CHAPTER 145**

AN ACT TO REPEAL CHAPTER 113 OF THE SESSION LAWS OF 1945 RELATING TO JURY TRIALS IN THE RECORDER'S COURT OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 113, Session Laws, 1945, relating to transfer of criminal cases, Recorder's Court, Martin County, repealed.

SECTION 1. That Chapter 113 of the Session Laws of 1945, relating to jury trials in the Recorder's Court of Martin County, be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 113 **CHAPTER 146**

AN ACT TO PROHIBIT THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Practice of palmistry, Columbus County, prohibited.

SECTION 1. It shall be unlawful for any person to practice palmistry, fortune telling or clairvoyance in Columbus County.

Violations made misdemeanor.

Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 125 **CHAPTER 147**

AN ACT TO PROVIDE FOR JURY TRIALS IN THE RECORDER'S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Procedure for selection of jurors Recorder's Court, Columbus County.

SECTION 1. On the first Monday of each month the Board of Commissioners of Columbus County shall prepare and deliver to the Clerk of the Recorder's Court of Columbus County a list of twenty-four taxpayers from the county at large who are of sufficient intelligence to serve as jurors in the Recorder's Court of Columbus County. Said list shall constitute the jury list of that court for that month. When either party to any action in the Recorder's Court of Columbus County demands a jury trial, the jury shall be selected from the list of taxpayers presented to the Clerk of the Recorder's Court by the Board of Commissioners of Columbus County as the jury list for that month in said court.

Payment of jury fees.

Upon the payment of a jury fee of twenty-five dollars ($25.00), any party to any action in the Recorder's Court of Columbus County may demand a jury in said court for the trial of the action to which the person demanding a jury is a party. If the party demanding a jury is the winning or successful party in such action or litigation, the fee of twenty-five dollars ($25.00) deposited by him shall be returned. If the party demanding a jury trial is the losing or unsuccessful party in such action or litigation, the fee of twenty-five dollars ($25.00) shall be retained by said court as a part of the costs of the action or litigation.

Time for jury trials.

SEC. 2. The Judge of the Recorder's Court of Columbus County shall, at the first term or session in each month of said court, set a day or days on which shall be tried all actions in which a jury trial is demanded.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 151 **CHAPTER 148**

AN ACT TO AMEND CHAPTER 433 OF THE SESSION LAWS OF 1943 RELATING TO THE EXPENDITURES OF FUNDS FOR THE CONTROL OF THE SALE OF ALCOHOLIC BEVERAGES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Ch. 433, Session Laws, 1943, amended.

SECTION 1. Section 7 of Chapter 433 of the Session Laws of 1943 relating to the expenditure of funds for the control of the sale of alcoholic beverages in Halifax County be, and the same is hereby, amended to read as follows:

Expenditure of funds for control of sale of alcoholic beverages, Halifax County.

Sec. 7. The amount of funds allocated by the board to law enforcement shall be expended by the board in such a manner as to secure the maximum amount of results, and to this end the said board is authorized and empowered to expend said funds in cooperation with the Sheriff's Department of Halifax County, and in the discretion of the said board, where greater efficiency in law enforcement will result, such funds may be expended for the purchase of necessary equipment, including communications equipment, for the sheriff's department during the period such sheriff's department is designated as the law enforcement agency under this Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 55 **CHAPTER 149**

AN ACT RELATING TO THE ESTABLISHMENT OF SPECIAL SCHOOL DISTRICTS FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF SCHOOL BONDS AND TO LEVY TAXES WITHIN SUCH DISTRICTS OR UNITS FOR THE PAYMENT OF SAID BONDS BY AMENDING CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937 AND REPEALING CHAPTER 641 OF THE PUBLIC-LOCAL LAWS OF 1937.

The General Assembly of North Carolina do enact:

Ch. 641, Public-Local Laws, 1937, repealed.

SECTION 1. That Chapter 641 of the Public-Local Laws of 1937 be, and the same is, hereby repealed.

SEC. 2. That Chapter 279 of the Public-Local Laws of 1937, Section 11, be amended by striking out the period at the end of said Section and adding the following: "and Gates County."

Ch. 279, Public-Local Laws, 1937, authorizing creation of school districts amended to apply to Gates County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 186 **CHAPTER 150**

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO THE POWERS AND DUTIES OF THE DIVISION OF LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES OF THE DEPARTMENT OF JUSTICE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 164-10 (c) of the General Statutes, as set out in Chapter 863 of the Session Laws of 1945, is hereby amended to read as follows:

G. S., 164-10 (c), amended.

(c) In the preparation of the general and permanent laws enacted by the General Assembly for inclusion in the cumulative pocket supplements, the division is hereby authorized:

Powers and duties of Division of Legislative Drafting and Codification of Statutes, in preparation of general and permanent laws.

(1) To rearrange the order of chapters, subchapters, articles, sections and other divisions or subdivisions;

(2) To provide titles for any such divisions or subdivisions and section titles or catchlines when they are not provided by such laws;

(3) To adopt a uniform system of lettering or numbering sections and the various subdivisions thereof and to reletter or renumber sections and section subdivisions in accordance with such uniform system;

(4) To rearrange definitions in alphabetical order;

(5) To rearrange lists of counties in alphabetical order; and

(6) To make such other changes in arrangement and form that do not change the law as may be found by the division necessary for an accurate, clear and orderly codification of such general and permanent laws.

SEC. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 216 CHAPTER 151

AN ACT FIXING THE COMPENSATION OF REGISTRARS AND JUDGES OF ELECTION IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Compensation of registrars, Catawba County.

SECTION 1. The registrars of voters in primary and general elections in Catawba County shall receive a per diem of eight dollars ($8.00) for coming in for the registration books and being sworn in, and for each Saturday during the period of registration that he attends the polling place for such purpose; and a per diem of eight dollars ($8.00) for challenge day and for election day; and a per diem of eight dollars ($8.00) for bringing in the books and the returns, and for attending the canvassing of votes and declaring the results of the election; and in addition thereto, shall receive one flat mileage fee of five dollars ($5.00).

Compensation of judges of election.

SEC. 2. The judges of election shall receive a per diem of six dollars ($6.00) for serving on primary or election day and a per diem of six dollars ($6.00) for each other day they are required to be present at the polling places or attending meetings of the county board of elections.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 225 **CHAPTER 152**

AN ACT AMENDING SECTION 142-37 OF THE GENERAL STATUTES RELATING TO CUSTODY OF SECURITIES BY THE STATE TREASURER.

The General Assembly of North Carolina do enact:

SECTION 1. Section 142-37 of the General Statutes is hereby amended by striking out all of the last sentence of said Section beginning with the word "the" in line 11 and inserting in lieu thereof the following: G. S., 142-37, amended.

The Treasurer may in his discretion keep all securities purchased for sinking funds in the vault in the Revenue Building or rent safety deposit boxes in responsible banks. Custody of sinking fund securities.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 238 **CHAPTER 153**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WHITEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Whiteville be extended by adding thereto portion lying within the following boundaries: Corporate limits Town of Whiteville extended.

Beginning at the southeast corner of the present town limits and running thence southwardly in a continuance of said east boundary to the run of Sowles Swamp; thence eastwardly with the run of Sowles Swamp to its junction with the mouth of Mollie Branch; thence northward with the run of Mollie Branch to United States Highway 74-76; thence eastwardly along said highway to the western line of the present town limits; thence with the said present town limits to the beginning.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 248 CHAPTER 154

AN ACT TO RATIFY AND VALIDATE THE ACTS OF THE BOARD OF COUNTY COMMISSIONERS AND THE TAX COLLECTOR OF BERTIE COUNTY RELATING TO THE ADVERTISEMENTS AND SALES OF LANDS FOR DELINQUENT TAXES FOR THE YEARS 1944 AND 1945.

The General Assembly of North Carolina do enact:

Taxes levied by Board of County Commissioners, Bertie County, for certain years validated.

SECTION 1. That all acts and things done by the Board of County Commissioners of Bertie County or done by direction of said board of county commissioners in listing property for taxes and in levying taxes for the years 1944 and 1945 are hereby in all respects ratified and validated.

Tax sales validated.

SEC. 2. That the advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisements and sales of lands for failure to pay taxes to Bertie County due for the years 1944 and 1945 are hereby in all respects ratified and validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 253 CHAPTER 155

AN ACT TO APPOINT A BOARD OF ELECTIONS FOR THE TOWN OF WEBSTER IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Board of Elections, Town of Webster, Jackson County, appointment of members.

SECTION 1. M. B. Madison, J. W. Reinhart and L. H. Cannon are hereby constituted and appointed a Board of Elections for the Town of Webster in Jackson County to serve for a term of two years.

SEC. 2. The above named board of elections shall perform with respect to municipal elections in the Town of Webster all duties generally performed by county boards or municipal boards of elections and shall receive notices of candidacy, conduct said elections and canvass and make official returns of the results thereof of the election to be held in the Town of Webster on the first Monday in May, 1947, and do any and all other things which may be necessary under the provisions of Article 3 of Chapter 160 of the General Statutes, relating to municipal elections.

Duties of Board.

SEC. 3. The above named members of the Board of Elections for the Town of Webster shall serve without compensation.

Members of Board to serve without compensation.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 266 CHAPTER 156

AN ACT TO REPEAL CHAPTER 73 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1933 RELATING TO THE ISSUANCE OF BONDS BY ASHE COUNTY OR ANY MUNICIPALITY THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 73 of the Public-Local and Private Laws of 1933 be, and the same is hereby, repealed.

Ch. 73, Public-Local Laws, 1933, restricting the issuance of bonds by Ashe County and municipalities therein, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 270 **CHAPTER 157**

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

Preamble:

Conveyance of certain Grainger property to Town of Kinston.

WHEREAS, on November 14th, 1904, J. W. Grainger and wife conveyed to the Town of Kinston a certain parcel of land, fifty feet square, for the purpose of enabling said town to locate, construct, and erect on said lot its town standpipe, and also conveyed to said town a right of way over certain other lands to and from said standpipe lot; and

Value of adjoining property affected.

WHEREAS, the said J. W. Grainger conveyed to his daughter, Mrs. Capitola Grainger Edwards, certain property adjoining said standpipe lot on three sides, the other side being a street, which property the said Mrs. Edwards occupied as her residence property until her death, and the same is now owned by her husband, D. T. Edwards, as his residence property, the said standpipe lot being located so as to cut into a portion of the property of the said D. T. Edwards; and

Town has no further use for property conveyed.

WHEREAS, the City of Kinston has heretofore dismantled and removed its said standpipe, which stood upon said lot for more than thirty years, and said lot of land is no longer needed by the City of Kinston for the purpose for which it was conveyed, or for any purpose whatever, and the said city desires to dispose of said small lot of land; and

Located in residential section.

WHEREAS, many residences have been constructed in the neighborhood of said lot and it is, therefore, now located in a strictly residential section of the City of Kinston; and

Descendants of grantor desire to acquire title.

WHEREAS, the said D. T. Edwards, a long-time resident and respected citizen of the City of Kinston, desires to acquire title to said small lot for use in connection with his said property which adjoins said lot on three sides, for himself and his three daughters, who are direct descendants of the said J. W. Grainger and wife, who originally conveyed said lot to the Town of Kinston for the purpose aforesaid; and

Sale for reasonable value desirable.

WHEREAS, in the opinion of the Board of City Aldermen of the City of Kinston, in view of the circumstances above recited, and in good conscience, the said D. T. Edwards should be privileged to acquire said lot of land by paying the reasonable value thereof at private sale, the said City of Kinston having no further use for said lot: *Now, therefore,*

The General Assembly of North Carolina do enact:

Town authorized to sell property to D. T. Edwards.

SECTION 1. The City of Kinston is hereby authorized and empowered to offer for sale and sell to D. T. Edwards, at private sale, that certain lot of land in the City of Kinston located on the north side of Summit Avenue in said city, known as the

"Standpipe Lot," and fully described in deed recorded in Book 30, Page 274, Lenoir County Registry, upon payment to the City of Kinston by the said D. T. Edwards, in cash, a price for said lot which, in the sole judgment of the Board of Aldermen of the City of Kinston, shall be adequate, fair, and reasonable, together with paving assessments levied and assessed against said lot.

Conveyance of property authorized.

SEC. 2. The Board of City Aldermen of the City of Kinston, the Mayor of the City of Kinston, and the city clerk of said city are hereby authorized and empowered to do all things necessary to carry out the intent and purpose of this Act, especially including the execution and delivery of a good and sufficient deed conveying the title to said lot of land and all privileges and appurtenances thereto, including said right of way to and from said lot over the lands of the said D. T. Edwards, unto the said D. T. Edwards, upon payment of the purchase price of said lot at the private sale herein authorized.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 285 **CHAPTER 158**

AN ACT TO AMEND CHAPTER 380 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1915, AS AMENDED, CHANGING THE CORPORATE LIMITS AND CERTAIN WARD LINES OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Ch. 380, Private Laws, 1915, amended.

SECTION 1. That Chapter 380 of the Private Laws of North Carolina, Session 1915, as amended, be and the same is hereby amended by striking out all of Section 2 of said Act and inserting in lieu thereof the following:

Corporate limits, Town of Sanford, redefined.

SEC. 2. That the corporate limits of the Town of Sanford shall be as follows:

Beginning at a stake in the east line of the original boundary of the Town of Sanford, at its intersection with the north line of Temple Avenue, and being about 1000 feet South of the northeast corner of the original corporate limits; thence running eastwardly with the north line of Temple Avenue, about

700 feet to its intersection with the east line of Eleventh Street extended; thence in a southerly direction with the east line of Eleventh Street about 1350 feet to the north line of Charlotte Avenue; thence in a direct line about 400 feet to the northeast corner of Block 104, southeast Sanford; thence with the east line of Block 104, about 2350 feet to an angle in the east line of Lot No. 32 of said Block 104; thence in a southeasterly direction with the east line of said Lot No. 32 and Lot No. 33, about 150 feet to the angle in the east line of said Lot No. 33; thence in a southwesterly direction with the east line of Lots No. 33 and No. 34, about 70 feet to the northern apex of triangular Lot No. 10 in Palmer Addition; thence S. 15 degrees E. with a line of said Lot No. 10, 83.5 feet to the common corner of Lots 9, 10, and 11 in said Palmer Addition; thence S. 62 degrees 45 minutes E. with the northerly line of said Palmer Addition 861.5 feet to a stake and maple tree in the westerly line of Block B in said Palmer Addition, said stake and maple tree being the southeast corner of L. C. Buchanan land; thence N. 11 degrees 45 minutes E. with the common line of L. C. Buchanan and said Palmer Addition, 660 feet to a stake, the northeast corner of said L. C. Buchanan land and the northwest corner of said Block B, Palmer Addition; thence S. 62 degrees 35 minutes E. with the northerly line of Blocks B and C in said Palmer Addition, about 1180 feet to a stake in the east line of Jonesboro Road; thence, with said east line of Jonesboro Road, about 1870 feet to a stake in the southeast boundary line of said Palmer Addition; thence with said southeast boundary line and that line extended, about 1050 feet to a concrete marker, distant 30 feet in a northeasterly direction, from center line of Atlantic & Western Railroad track; thence in a southerly direction about 270 feet to the northwest corner of Fourth Street extended, and Seventeenth Street of the W. A. Monroe Addition; thence southwestwardly with the west line of Seventeenth Street to the northerly right of way line of the Atlantic Coast Line Railroad; thence southeastwardly with the said northerly right of way line about 2500 feet to the northern boundary line of the Town of Jonesboro; thence westwardly with said northern boundary line about 1100 feet to the northwest corner of the corporate limits of Town of Jonesboro; thence southwardly with the western boundary line of Town of Jonesboro about 975 feet to west line of Baptist Street; thence northwestwardly with the west line of Baptist Street about 800 feet to a stake at the intersection of said west line of Baptist Street with a line 200 feet distant from and parallel with the southerly line of Fourth Avenue; thence northwestwardly 200 feet distant from and parallel with the southerly line of Fourth Avenue, about 3880 feet to an iron pin at corner of fence, an old property corner; thence N. 82 degrees 15 minutes W. 1610.6 feet to an iron pipe in the easterly right of way line

of Seaboard Air Line Railroad; thence continuing that line N. 82 degrees 15 minutes W. across the Seaboard Air Line Railroad right of way to a stake in the east line of Oakview Addition; thence N. 3 degrees 33 minutes E. with east line of Oakview Addition about 180 feet to the south line of Crest View Street; thence westwardly with the south line of Crest View Street and that line extended, about 1250 feet to a stake in Buckner's west line; thence westwardly and in a direct line about 2250 feet to a stake in west line of Highway U. S. No. 1 and being the southeast corner of the home site of A. H. McIver; thence continuing on that line 400 feet to a stake; thence northwardly in a direct line about 1280 feet to an iron stake in the west line of Whitford Street at the southwest corner of Whitford and an unnamed street, Davenports Corner; thence S. 73 degrees 31 minutes W. with Davenports line 650 feet to a stake; thence northwardly in a direct line about 2330 feet to a stake in the north line of Carbonton Road and being a common corner of Lots No. 103 and 104 of McIver Park Addition; thence with the common line of said Lots 103 and 104, 276.93 feet to the northerly common corner of said lots; thence eastwardly with the north line of Lots No. 103 and 79 inclusive, 940 feet to a common corner of Lots 79 and 78; thence northwardly about 300 feet to a stake in the south line of the former A. P. King 28½ acre tract and in a west line of McIver Park Addition; thence with that west line of McIver Park Addition 1554.5 feet to a stake in the north side of Cool Springs Road; thence northeastwardly about 540 feet to a stake in the south line of the former Iver McKernan 11 acre tract, which stake is S. 70 E. 272 feet from the southwest corner of said 11 acre tract; thence northeastwardly in a direct line and crossing the Atlantic & Yadkin Railroad about 1950 feet to a stake, an old corner of the lands of Dr. F. W. McCracken and Mary McIver; thence northeastwardly in a direct line about 1280 feet to a stake in the south line of Poplar Street extended westwardly; thence S. 83 degrees E. with the south line of Poplar Street and that line extended, about 1300 feet to the west line of Wilson Avenue; thence southwardly with the west line of Wilson Avenue about 1000 feet to its intersection with the original north corporation line of Town of Sanford; thence eastwardly with the north corporate line of the Town of Sanford to the northeast corner of the original Town of Sanford boundary line; thence as the east corporate line of the Town of Sanford in a southern direction about 1000 feet to the point of beginning.

Territory subject to taxation, regulation by governing body of Town of Sanford.

SEC. 3. That from and after the date of ratification of this Act, all of the territory comprised in the boundary lines described in Section 2 hereinbefore shall be and constitute the Town of Sanford and the addition to the corporate limits of

the said Town of Sanford as well as the territory heretofore embraced within the corporate limits of the town shall be subject to taxation by the Town of Sanford and all of said territory shall be subject to regulation by the governing body of the Town of Sanford and the said Town of Sanford shall have the right to exercise over it all the powers, rights, privileges, and immunities conferred by the Charter of the Town of Sanford and amendments thereto, and the general laws of North Carolina regulating municipalities.

Chapter further amended to redefine wards of town.

SEC. 4. That Chapter 380 of the Private Laws of North Carolina, Session 1915, as amended, be and the same is hereby amended by striking out all of Section 3 of said Act and inserting in lieu thereof the following:

Section 3. The Town of Sanford shall be divided into five wards, denominated, First, Second, Third, Fourth, and Fifth Wards. Said wards shall be bounded as follows:

First Ward.

First Ward: Beginning at the intersection of the center line of Endor Street with the northern boundary line of the Town of Sanford as laid out and established by this Act; thence running with the center line of Endor Street in a southerly direction to the center of Gordon Street; thence eastwardly with the center line of Gordon Street to the center of Steele Street; thence southwardly with the center line of Steele Street to the center of Wicker Street; thence westwardly with the center line of Wicker Street to the center of Highway U. S. No. 1; thence southwestwardly with the center line of Highway U. S. No. 1 to the southerly boundary line, of the Town of Sanford; thence with the said boundary line and in a clockwise direction to the beginning.

Second Ward.

Second Ward: Beginning at the intersection of the center line of the Seaboard Air Line Railroad with the northern boundary line of the Town of Sanford; thence running with the center line of the Seaboard Air Line Railroad, in a southerly direction to the center of Charlotte Avenue; thence with the center line of Charlotte Avenue, eastwardly to the east line of Chatham Street; thence with the east line of Chatham Street, southwardly to the center of Wicker Street extended to Chatham Street; thence westwardly with the center line of Wicker Sreet to the center of Steele Street; thence northwardly with the center line of Steele Street to the center of Gordon Street; thence westwardly with center line of Gordon Street to the center of Endor Street; thence northwardly with center line of Endor Street to its intersection with the northern boundary line of the Town of Sanford, as laid out and established by this Act; thence in a clockwise direction with said northern boundary line to the beginning.

Third Ward: Beginning at the intersection of center line of Charlotte Avenue with the west line of Chatham Street and running thence eastwardly with center line of Charlotte Avenue to its intersection with the boundary line of the Town of Sanford; thence with that boundary line in a clockwise direction, to its intersection with center of Atlantic & Western Railroad; thence northwestwardly, with center line of Atlantic and Western Railroad to the west line of Chatham Street; thence northwardly with west line of Chatham Street to the beginning. Third Ward.

Fourth Ward: Beginning at the intersection of the west line of Chatham Street with the center line of Wicker Street extended to Chatham Street; running thence with the west line of Chatham Street to its intersection with the center of Atlantic and Western Railroad; thence southwestwardly with center of Atlantic and Western Railroad to its intersection with the boundary line of the Town of Sanford; thence in a clockwise direction with said boundary line to its intersection with the center of Highway U. S. No. 1; thence northwardly with center line of Highway U. S. No. 1 to the center of Wicker Street; thence eastwardly with center line of Wicker Street to the beginning. Fourth Ward.

Fifth Ward: Beginning at the intersection of center line of Seaboard Air Line Railroad with center line of Charlotte Avenue and running thence northwardly with center line of Seaboard Air Line Railroad to its intersection with the boundary line of the Town of Sanford; thence in a clockwise direction with said boundary line to its intersection with center line of Charlotte Avenue; thence westwardly with center line of Charlotte Avenue to the beginning. Fifth Ward.

SEC. 5. That all laws inconsistent and in conflict with this Act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947

H. B. 314 **CHAPTER 159**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF THE OFFICES OF COUNTY ACCOUNTANT, COUNTY FARM AGENT, AND COUNTY HOME DEMONSTRATION AGENT, AND FOR THE EXPENSES OF FOREST FIRE PROTECTION.

The General Assembly of North Carolina do enact:

Special tax levy for expenses of office of county accountant, Transylvania County, authorized.

SECTION 1. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and the expense of maintaining the office of county accountant, necessary for the performance of his duties, as prescribed in the County Fiscal Control Act, Chapter 146, Public Laws of 1927, as amended, and in Chapter 103, Public-Local Laws of 1935.

Special tax levy for expense of office of county farm agent.

SEC. 2. The Board of Commissioners of Transylvania County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm agent and the necessary expenses incident to the performance of his work as county farm agent.

Special levy for expenses of office of county home demonstration agent.

SEC. 3. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county home demonstration agent and the necessary expenses incident to the performance of her work as county home demonstration agent.

Special levy for expenses of forest fire protection.

SEC. 4. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the expenses of forest fire protection in said county.

Partial invalidity section.

SEC. 5. That if any Section or part of any Section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 317 CHAPTER 160

AN ACT TO AMEND SECTIONS 153-152 AND 160-229 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE SAMPSON COUNTY AND THE CITIES AND TOWN THEREIN TO CONTRACT WITH HOSPITALS FOR THE MEDICAL TREATMENT AND HOSPITALIZATION OF THE SICK AND AFFLICTED POOR.

The General Assembly of North Carolina do enact:

G. S., 153-152 and G. S., 160-229, amended to provide hospital care for indigent people of Sampson County and municipalities therein.

SECTION 1. That Section 153-152 and Section 160-229 of the General Statutes of North Carolina are hereby amended by striking out the word "Sampson" in the eighth from the last line of said Sections; it being the intent and purpose of this Act to authorize Sampson County and the cities and towns therein to contract with hospitals or institutions for the medical treatment and hospitalization for the sick and afflicted poor of said county, cities and towns.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 211 CHAPTER 161

AN ACT PERMITTING CRAVEN COUNTY TO AUTHORIZE BONDS OF THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FOR SCHOOL BUILDING PURPOSES, NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Bonds for school building purposes, Craven County, authorized.

SECTION 1. That pursuant to the County Finance Act, being Article 9 of Chapter 153 of the General Statutes of North Carolina, the Board of Commissioners of the County of Craven may pass a bond order or bond orders authorizing bonds of said County of Craven of the maximum aggregate principal amount of one million five hundred thousand dollars ($1,500,000.00) for the purpose stated in Section 153-77, clause (a), of said General Statutes, notwithstanding any limitation with respect to the net school indebtedness contained in Section 153-87 of said General Statutes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification and until January 1st, 1949.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 243 CHAPTER 162

AN ACT TO AMEND HOUSE BILL NO. 96, RATIFIED ON THE 5TH DAY OF FEBRUARY, 1947, RELATING TO THE ISSUANCE OF SCHOOL BONDS BY THE COUNTY OF CARTERET AND TO THE LEVY OF A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREON.

The General Assembly of North Carolina do enact:

Ch. 32, Session Laws, 1947, relating to issuance of school bonds and special tax levy, Carteret County, amended.

SEC. 1. That Section 2 of House Bill No. 96, ratified on the 5th day of February, 1947, relating to the issuance of school bonds by the County of Carteret and to the levy of a special tax for the payment of principal and interest thereon be, and the same is hereby, amended by striking out in line four of said Section the words and figures "two hundred fifty thousand dollars ($250,000.00)" and inserting in lieu thereof the words and figures "four hundred thousand dollars ($400,000.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 293 CHAPTER 163

AN ACT TO AMEND SECTION 105-345 OF THE GENERAL STATUTES WITH RESPECT TO PREPAYMENT DISCOUNTS ON TAXES COLLECTED IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

G. S., 105-345, amended.

SECTION 1. Section 105-345 of the General Statutes, as amended by Chapters 247 and 1041 of the Session Laws of 1945, be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

In Wayne County the only discounts allowed for the prepayment of taxes due Wayne County provided for in this Act shall be as follows: (a) If paid during the month of September, a deduction of one per cent (1%); (b) If paid during the month of October, a deduction of one-half of one percent (½ of 1%). Discounts for prepayment of taxes, Wayne County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 430 CHAPTER 164

AN ACT TO REGULATE THE USE OF THE NET PROFITS FROM THE SALE OF ALCOHOLIC BEVERAGES IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 48 of the Public Laws of 1941 be, and the same is, hereby amended by striking out all of the second paragraph in said Section and adding in lieu thereof the following: Ch. 48, Public Laws, 1941, amended.

That in Cumberland County the moneys representing the entire net profits aforesaid shall be kept in a special fund or account, to be known as the "Alcoholic Beverage" fund, and the said moneys shall be used for the payment of the principal and interest, either or both, of the bonds or notes of said county; *provided, however,* that the Treasurer of Cumberland County, after retaining an amount sufficient to retire and pay current principal and interest, either or both, of the bonds or notes of said county during each fiscal year, the said treasurer is hereby authorized, empowered and directed to pay into the general fund of Cumberland County from the said fund an amount equal to sixty-five thousand dollars ($65,000.00) each fiscal year; *provided, further,* that this Act shall not repeal the provisions of Senate Bill 118, Public-Local Laws of 1941, providing for the payment of the sum of twenty-five thousand dollars ($25,000.00) to the Treasurer of the City of Fayetteville by the Board of Alcoholic Control of Cumberland County during the fiscal year ending June 13th, 1941. Use of net profits from sale of alcoholic beverages, Cumberland County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

Emergency declared.

SEC. 3. That on account of an emergency existing in the general fund of Cumberland County, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. B. 167 CHAPTER 165

AN ACT TO AMEND CHAPTER 50 OF THE GENERAL STATUTES TO ELIMINATE THE NECESSITY FOR ALLEGING IN AN AFFIDAVIT IN AN ACTION FOR DIVORCE THAT THERE HAS BEEN NO COLLUSION IN BRINGING SUCH ACTION.

The General Assembly of North Carolina do enact:

G. S., 50-8, relating to affidavit filed with complaint for divorce, amended.

SECTION 1. G. S. 50-8 is hereby amended by striking out the remainder of the first sentence after the word "belief" ending in line six; provided, that this Act shall not apply to pending litigation.

SEC. 1-A. That all judgments heretofore rendered in actions for divorce where the affidavit failed to allege that there was no collusion between the husband and wife be, and the same are hereby validated.

Effective date.

SEC. 2. This Act shall become effective July 1st, 1947.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

S. B. 144 **CHAPTER 166**

AN ACT TO REPEAL THE PROVISIONS OF CHAPTER 71 PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1937; TO PROVIDE FOR THE CITY OF MONROE A SYSTEM OF PUBLIC RECREATION FACILITIES, PARKS AND PLAYGROUNDS; TO CREATE A PUBLIC RECREATION COMMISSION AND DEFINE ITS POWERS AND DUTIES; AND TO PROVIDE FOR THE LEVY OF A TAX FOR THE SUPPORT THEREOF.

The General Assembly of North Carolina do enact:

Ch. 71, Public-Local Laws, 1937, repealed.

SECTION 1. That Chapter 71 of the Public-Local and Private Laws of North Carolina, Session of 1937, be and the same is hereby repealed.

Monroe Parks and Recreation Commission.

SEC. 2. That from and after the effective date of this Act the governing body of the City of Monroe shall have the power, and it shall be the duty of said governing body, to appoint a commission, consisting of nine members, all of whom shall be legal residents of the City of Monroe, to be known and designated as the Monroe Parks and Recreation Commission.

Method of selection of members of commission.

SEC. 3. That the method of selection of the members of said commission shall be as follows and their terms of office shall be as hereinafter set out:

The governing body of the City of Monroe shall choose nine members and after said nine members of said commission shall have been chosen and the name of each of said members written on a separate piece of paper and deposited in some receptacle, the city clerk shall draw first three names from said receptacle and such persons whose names are first drawn shall serve for six years; thereupon, said clerk shall draw three additional names of members who shall serve for a term of four years; and the three remaining members shall serve for two years as members of said commission. All vacancies occurring on said commission, either by expiration of term of office or otherwise, shall be filled by the governing body of the city to serve out the unexpired term in each instance; and members shall be appointed to fill vacancies for succeeding terms, in the event of expiration of terms herein provided for, such successor to serve for six years.

Terms of members.

Vacancies.

Terms of office.

SEC. 4. The terms of office of the various members of said commission shall be deemed to commence upon the date of their appointment by the governing body of the city as hereinabove provided for.

Organization of commission.

SEC. 5. That the members of said commission shall organize

said commission so as to achieve efficient functioning of such commission and to effectuate the purposes of this Act and shall from their number elect a chairman and secretary and such other officers as they shall deem proper and shall prescribe the duties of such officers; *provided, further,* said commission may adopt a common seal if they shall so elect.

City of Monroe authorized to convey to commission properties for public recreation system.

SEC. 6. That the governing body of the city may from and after the effective date of this Act and after such commission shall be appointed and shall have organized, in the exercise of the sound discretion of such governing body and by proper resolution, transfer unto said Monroe Parks and Recreation Commission any lands or other properties held and owned by the City of Monroe, or any properties which may be hereafter acquired by the city, and which properties are or may be suitable and necessary for use in the promotion of an adequate system of public recreation for the citizens and residents of the city, and such properties so transferred to said commission shall be held, managed, controlled, maintained, used and improved by and under the control and supervision of said commission for the public use and benefit of the citizens and residents of the City of Monroe.

Employment of public recreation personnel authorized.

SEC. 7. That the said commission shall be and it is hereby empowered to employ a director of public recreation, with such other assistants or employees, to prescribe their duties, and to fix and pay the compensation of such director and other employees together with all reasonable and necessary expenses incident to the maintenance, management and control of such public recreation system and program; and said commission shall have and fulfill the duty of providing for the citizens and residents of the city reasonable and necessary recreational facilities which are hereby declared to be a necessary public expense and duty of the City of Monroe.

Duty of commission to provide recreational facilities.

Power of commission to lease necessary properties.

SEC. 8. That in the exercise of its duties and functions the said commission shall have full power and authority to lease any of said properties which may hereafter be transferred to it upon such terms and conditions as it may deem proper and in the public interest; *provided, nevertheless,* that any such lease for any period of time exceeding one year shall not be legal nor binding unless and until such lease shall have been approved by proper resolution of the governing body of the City of Monroe; *provided, further,* said commission may by proper resolution at any time transfer back to the City of Monroe any of such properties which may be transferred to it by virtue of this Act.

Powers of commission to effectuate purposes of Act.

SEC. 9. That the said commission is and shall function as a part of the government of the city and shall have the right to receive by gift or devise any and all forms of property, may

contract and be contracted with within the limitations of this Act, and may make, promulgate and cause to be enforced such rules, regulations and by-laws as may be reasonable and necessary and proper for the use, control, maintenance and management of such properties which are or may be committed to its use and management, and may alter such rules and regulations from time to time within the limitations of this Act and the general laws of the State of North Carolina and ordinances of the City of Monroe, in order to effectuate the purposes of this Act. *Provided, further,* that said commission shall have no power to mortgage or encumber any properties which may or shall be transferred to it, nor shall said commission have any power to sue or to be sued as such, but any suit which may be brought or maintained by or against such commission shall be brought by or maintained against the City of Monroe within the provisions of existing law only.

Limitation of powers.

SEC. 10. That the members of said commission shall serve without compensation, and at all meetings of said commission a majority of such commission shall constitute a quorum. Said commission shall hold regular meetings and shall keep permanent minutes of its meetings and shall cause an annual audit of its affairs to be made and shall submit such audit with its annual budget estimates to the governing body of the city for its information and approval.

Members to serve without compensation.

Meetings and records of commission.

SEC. 11. That the receipts or funds which shall be derived from the operation of the facilities under the control of said commission shall be applied by said commission to defray the costs of maintenance, operation and support of such parks, playgrounds and recreational centers and public recreational program; and, in the event the said recreational facilities shall not prove to be self-sustaining, the governing body of the city shall levy, at the time of levying taxes for the necessary purposes of running the City of Monroe, an ad valorem tax of not less than three cents (.03c) nor more than eight cents (.08c) on each one hundred dollars ($100.00) valuation of real and personal property in the City of Monroe for the use of the Monroe Parks and Recreation Commission to enable it to carry out the provisions of this Act; and said governing body of the city shall turn over to said commission the proceeds from the levy of such tax when and as the same shall be collected; *provided, further,* that the governing body of the city shall not levy any tax for such purposes, except as hereinafter provided for.

Application of funds derived from operation of facilities.

Special tax levy.

SEC. 12. That for the purpose of ascertaining the will of the qualified voters of the City of Monroe upon the question of the levying of the tax, or any part thereof, authorized or provided for in the foregoing Section of this Act, a special election shall be held at the voting precincts in the City of Monroe on

Special election on question of tax levy.

the date for the holding of the regular primary election for the nomination of elective officers for said city in the year 1947, namely: on April 5th, 1947. At said special election all voters of the city qualified to vote at said special election may vote a written or printed ballot. Those who shall favor such special tax levy and authority shall vote a ballot with the words "For a special tax levy for operation and maintenance of parks and recreational centers," or words substantially to such effect, written or printed thereon, and those who oppose such special levy shall vote a ballot with the words "Against a special levy for operation and maintenance of parks and recreational centers," or words substantially to such effect, written or printed thereon; and, if a majority of the qualified voters of said city shall at said special election vote for said tax and the results shall be so declared, then it shall be the duty of the governing body of the City of Monroe to levy and collect said tax, or so much thereof within the limitations of this Act as may be necessary to defray the expenses of such recreational program. The said special election shall be called by the governing body of said city and shall be held and conducted in the manner provided by law for the calling and holding of such special tax elections by municipalities, and said governing body shall call and provide for a new registration of the qualified voters who shall be entitled to vote in said special election and shall cause legal notice of such new registration and notice of said special election to be published as is by law now made and provided; said governing body shall also appoint registrars and judges of said special election and shall provide all necessary ballots, forms and blanks for the purposes of conducting said special election and the expenses incurred by reason of said special election shall be paid by said city. Said governing body shall canvass the returns and shall judicially determine the results of such special election.

Date of election.

Form of ballots.

Conduct of election.

New registration.

Registrars and judges of election.

SEC. 13. That this Act shall not be construed to abridge, repeal or limit the police powers of the City of Monroe as the same now applies to any of the properties affected by this Act nor to repeal any ordinances of said city affecting any of the properties affected by this Act but shall be supplemental to and in addition to any ordinances affecting such properties unless such ordinances shall be in direct conflict herewith. It is not the intent of this Act nor shall it be the effect of this Act to repeal the provisions of Chapter 60 of the Public-Local and Private Laws, Session of 1937, as the same shall relate to the police power of the City of Monroe and in relation to a portion of the properties embraced within the meaning hereof. The ordinances and police power of said city shall apply to all properties transferred to or acquired by said commission whether within or without the corporate limits of said city.

Construction of this Act.

Police power of City of Monroe.

SEC. 14. That in the event the City of Monroe shall install a system or systems of parking meters, the governing body of said city shall have full power and authority and may in its discretion turn over to the said commission any portion of the net proceeds from the operation of such system of parking meters; *provided, further,* that this Act shall not be construed to limit the right and power of said governing body to appropriate to said commission for the purposes of this Act from unexpended or unappropriated surplus funds in its treasury such funds as it may now under existing law appropriate and expend for the purposes contemplated by this Act.

Allocation of proceeds from parking meters.

Appropriations from surplus funds of the City.

SEC. 15. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 16. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 147 CHAPTER 167

AN ACT TO PROHIBIT THE SHOWING OF CIRCUSES, MENAGERIES, WILD WEST SHOWS, CARNIVALS, AND SIMILAR SHOWS OR EXHIBITIONS WITHIN FIVE MILES OF THE SITE OF ANY SPRING FESTIVAL OR FLOWER SHOW DURING ITS OPERATION AND FOR A PERIOD OF TWO WEEKS PRIOR THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Cumberland County, North Carolina, in any year in which there is a regularly organized Spring Festival and Flower Show in said county sponsored by any patriotic, civic or charitable organization, may refuse to allow any circus, menagerie, wild west show, dog and pony show, carnival, or similar show, to exhibit within five (5) miles of the site of such Spring Festival and Flower Show, from its beginning to its ending, and for a period of two weeks immediately prior thereto; *provided* that notice is given the tax collector by the commissioners of said county not to issue such license to said entertainments, at least forty-five (45) days prior to the date of such Spring Festival and Flower Show.

Circuses, carnivals and similar shows prohibited from operation during Spring Festival and Flower Show, Cumberland County.

Notice to tax collector of date of Spring Festival and Flower Show.

SEC. 2. That this Act shall apply only to Cumberland County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 177 CHAPTER 168

AN ACT TO AMEND G. S. 65-13 WITH RESPECT TO THE REMOVAL OF GRAVES AND TO GRANT MUNICIPALITIES AUTHORITY IN CERTAIN CASES TO REMOVE THE SAME.

The General Assembly of North Carolina do enact:

G. S., 65-13, amended.

SECTION 1. That G. S. 65-13 be, and the same hereby is, amended by adding at the end of said Section, the following:

Power of municipalities to remove graves.

If any municipality or other political subdivision of the State shall find it necessary, in order to perform its governmental functions and duties as prescribed by law, to remove graves from property owned by or in the custody and control of such municipality or other political subdivision of the State, or from property owned by individuals or corporations, whether known or unknown, such graves may be moved by such municipality or other political subdivision of the State after thirty days' notice to the relatives of the deceased persons, if any are known, and if none are known, then after publication of a notice of such intended removal once a week for four weeks in some newspaper having a general circulation in the county in which such property lies; and such graves when removed shall be removed to a suitable place in another cemetery, due care being taken to protect the tombstones and to place them properly so as to leave the graves in as good condition as before removal. All expense of the removal and acquisition of another burial site shall be borne by the municipality or other political subdivision of the State moving said graves.

Notice of removal.

Due care to be exercised in such removals.

Payment of expense of removal.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That the public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 199 **CHAPTER 169**

AN ACT TO REPEAL CHAPTER 387 OF THE PUBLIC-LOCAL LAWS OF 1939 AND TO AMEND CHAPTER 82 OF THE PUBLIC-LOCAL LAWS OF 1933 RELATING TO THE DAVIDSON COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 387 of the Public-Local Laws of 1939 relating to the Recorder's Court of Davidson County be, and the same is hereby, repealed. Ch. 387, Public-Local Laws, 1939, repealed.

SEC. 2. That Section 17 of Chapter 82 of the Public-Local Laws of 1933 be, and the same is hereby, amended to read as follows: Ch. 82, Public-Local Laws, 1933, amended.

That beginning on the first day of March, 1947, the salary of the Judge of the Davidson County Court shall be on the basis of the sum of thirty-six hundred dollars ($3600.00) per annum payable in equal monthly installments out of the general fund of Davidson County. Salary of Judge of Davidson County Court.

That beginning on the first day of March, 1947, the salary of the Solicitor of the Davidson County Court shall be on the basis of the sum of thirty-two hundred dollars ($3200.00) per annum payable in equal monthly installments out of the general fund of Davidson County. Salary of Solicitor of Davidson County Court.

The salaries for the judge and the solicitor shall be in lieu of all other compensation now allowed by law for these offices. Salaries in lieu of other compensation.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 224 CHAPTER 170

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ROBESON COUNTY TO FIX THE SALARIES OF ALL ELECTIVE AND APPOINTIVE COUNTY OFFICIALS AND EMPLOYEES DRAWING COMPENSATION FROM THE COUNTY, AND TO LIMIT THE NUMBER OF DEPUTY SHERIFFS OR RURAL POLICEMEN EMPLOYED BY THE COUNTY.

The General Assembly of North Carolina do enact:

Board County Commissioners, Robeson County, authorized to determine salaries.

SECTION 1. The Board of County Commissioners of Robeson County is hereby authorized and empowered, in its discretion, to fix and control all salaries paid by the county to all elective or appointive county officials and employees.

Control of number of deputy sheriffs, rural policemen or special officers employed.

SEC. 2. The Board of County Commissioners of Robeson County is hereby authorized and empowered, in its discretion, to determine and control the number of deputy sheriffs, rural policemen, or special officers employed by any department of the county and paid wholly out of county funds.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 256 CHAPTER 171

AN ACT TO FIX THE COMPENSATION OF REGULAR JURORS, TALES AND GRAND JURORS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Compensation of regular jurors, talesmen and grand jurors, Pitt County.

SECTION 1. All regular jurors, talesmen and grand jurors serving in the Superior Courts of Pitt County shall be paid the sum of five dollars ($5.00) per diem for each day's service as jurors, and in addition thereto such jurors shall receive travel allowance at the rate of five cents (5c) per mile for one trip each way during any week of court while traveling to and from their respective homes in order to attend court or perform services for which they have been summoned, said mileage to be computed by the usual route of public travel.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 302 CHAPTER 172

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO CONVEY AND LEASE CERTAIN PROPERTY IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Board of Commissioners, Buncombe County, authorized to lease certain property for use by U. S. Navy.

SECTION 1. That the Board of Commissioners of Buncombe County, North Carolina, is hereby authorized and empowered to lease to the U. S. Navy, or to the U. S. Government for the use and benefit of the U. S. Navy, for the construction and maintenance of a Naval Armory for training of a unit or units of the organized Naval Reserve, for a period of ten years and for such other term or terms at the expiration of said ten year period as said board of commissioners may provide in said lease in its discretion, for a nominal consideration, a tract of land two hundred feet by two hundred feet, which is a part of a tract of land now owned by the Board of Commissioners of Buncombe County, located in the City of Asheville, North Carolina, formerly known as Buncombe County Children's Home tract, now occupied by the Asheville-Biltmore College, Inc., and more particularly described in a deed mentioned in Section 2 hereof; that the said board of commissioners is hereby authorized and empowered to execute said lease upon such other terms and conditions as it may deem suitable, including the grant of rights of renewal, the description by metes and bounds of said leased land to be determined and agreed upon by the said board and the U. S. Navy, or the U. S. Government for the use and benefit of the U. S. Navy; the said board of commissioners is also authorized and empowered to include in the description contained in said lease such right of way for ingress and egress over the lands described in Section 2 of this Act as it may deem suitable.

Description of property.

Terms and conditions of lease.

Conveyance of property to Asheville-Biltmore College, Inc., authorized.

SEC. 2. That the Board of Commissioners of Buncombe County is hereby authorized and empowered to convey by deed of gift to the Board of Trustees of the Asheville-Biltmore College, Inc., upon such terms and conditions as said board may prescribe in said deed, that tract of land now owned by the Board of Commissioners of Buncombe County, located in the City of Asheville, North Carolina, formerly known as Buncombe County Children's Home tract, and now occupied by the said Asheville-Biltmore College, Inc., said tract being more particularly de-

Description of property.

scribed in a deed from James H. Osborne to Board of Commissioners of Buncombe County, dated October 4th, 1905, and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 140 on page 229, subject, however, to the terms and conditions of the lease of the said tract of land mentioned in Section 1 hereof.

Conveyance subject to lease to U. S. Navy or U. S. Government.

Reversion of property upon termination of lease.

SEC. 3. That should said lease as provided in Section 1 hereof, or renewal lease executed pursuant thereto, at any time be terminated under the terms of the lease contract, then in that event, the leased property shall revert to the Board of Trustees of the Asheville-Biltmore College, Inc., if said board of trustees holds title to the property described in Section 2 hereof, and if not, then to the holder of the legal title to said property.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws inconsistent with this Act are hereby repealed.

SEC. 5. That this Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 301 CHAPTER 173

AN ACT TO AMEND CHAPTER 26 OF THE PUBLIC-LOCAL LAWS OF 1941 TO PROVIDE FOR THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Ch. 26, Public-Local Laws, 1941, allocation of delinquent tax collections, Perquimans County, amended.

SECTION 1. That line 4 of Section 1 of Chapter 26 of the Public-Local and Private Laws of 1941 be, and the same is hereby amended by striking out the words, "thirty-seven" and inserting in lieu thereof the words, "forty-three."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, so far as they apply to the taxes mentioned in this bill.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 304 **CHAPTER 174**

AN ACT TO AMEND SECTION 14-271 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EXEMPT CARTERET COUNTY FROM ITS PROVISIONS RELATING TO PRIZE FIGHTING.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 14-271 of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said Section:

G. S., 14-271, amended to exempt Carteret County from provisions relating to prize fighting.

The provisions of this Act, however, shall not apply to the County of Carteret.

SEC. 2. That all laws and clauses of laws, whether general or special, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 313 **CHAPTER 175**

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN TRANSYLVANIA COUNTY AND THE TOWN OF BREVARD.

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the satisfiaction of the Board of County Commissioners of Transylvania County that any real or personal property has been listed for taxes at an excessive valuation, and on which there are outstanding delinquent taxes which have accrued prior to the year 1935 the said board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested party for the taxes due Transylvania County on said property as in their judgment is fair and just and which will best subserve the interest of the county. All such taxes shall be payable in cash only, and no reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the commissioners as fair and just. When said money is paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years

Reduction and settlement of certain delinquent taxes by Board of County Commissioners, Transylvania County.

Taxpayer must pay all taxes due from 1934 to and including current taxes.

on which such taxes are applicable. The provisions of this Section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes on such property from the year 1934 to and including current taxes due at the time such reduction or settlement and payment is made.

Reduction and settlement of certain delinquent taxes by Board of Aldermen, Town of Brevard.

SEC. 2. That when it shall appear to the satisfaction of the Board of Aldermen of the Town of Brevard that any real or personal property has been listed for taxes at an excessive valuation, and on which there are outstanding delinquent taxes which have accrued prior to the year 1935, the said board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested party for the taxes due the Town of Brevard on said property as in their judgment is fair and just and which will best subserve the interest of the town. No reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the board of aldermen as fair and just. When said amount is paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this Section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property from the year 1934 to and including current taxes due at the time of such reduction or settlement and payment is made.

Taxpayer must pay all taxes due from 1934 to and including current taxes.

Previous reductions and settlements validated.

SEC. 3. That all reductions in property valuations and settlements of taxes which have been made by Transylvania County and the Town of Brevard on valuations and taxes made and due prior to the year 1935 are hereby ratified and validated.

Effective date.

SEC. 4. That the public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 316 **CHAPTER 176**

AN ACT TO AMEND CHAPTER 287 OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA OF 1891 SO AS TO ENLARGE THE JURISDICTION OF THE MAYOR'S COURT OF THE TOWN OF PILOT MOUNTAIN.

The General Assembly of North Carolina do enact:

Ch. 287, Private Laws, 1891, relating to Mayor's Court, Pilot Mountain, amended.

SECTION 1. That Section 12 of Chapter 287 of the Private Laws of the State of North Carolina of 1891 be, and the same is hereby, amended by adding after the words "an inferior court," in line two of said Section, the words "and as such shall be a court of record."

SEC. 2. That Section 12 of Chapter 287 of the Private Laws of the State of North Carolina of 1891 be amended by adding at the end thereof new paragraphs to read as follows:

Appointment of Judge of Mayor's Court, Town of Pilot Mountain.

That should the Board of Commissioners of the Town of Pilot Mountain deem it advisable to appoint a Judge of the Mayor's Court of the Town of Pilot Mountain to act in the place of the mayor, the said Board of Commissioners of the Town of Pilot Mountain may appoint a judge of said court who may be a licensed attorney at law, who shall be of good moral character, and who shall serve for a term of two years and until his successor is elected and qualified. If the Board of Commissioners of the Town of Pilot Mountain deem it advisable to appoint an assistant judge of the Mayor's Court of the Town of Pilot Mountain to serve in the absence of the mayor or the judge, the said Board of Commissioners of the Town of Pilot Mountain may appoint an assistant judge of said court, who may be a licensed attorney at law, and who shall be of good moral character, and who shall serve for a period of two years and until his successor is appointed and qualified. Before entering upon the duties of their office as judge or assistant judge, they shall each take and subscribe an oath of office as is now provided by law for a justice of the peace and shall file the same with the clerk of the board of the town. The salary of the judge, or assistant judge, or mayor when acting as judge of the court, shall be determined and fixed in advance by the governing body of the town, and shall not be decreased during the term of their office, and shall be paid out of the general fund of the town: *Provided,* that the governing body of the town is hereby authorized to provide a schedule of fees to be charged by said mayor, judge or assistant judge. That said judge and assistant judge shall have the same powers and duties that the Mayor's Court has as presiding officer of the Mayor's Court of the Town of Pilot Mountain.

Appointment of assistant judge.

Oaths of office.

Salaries of court officials.

Sessions of court.

The court shall be opened for the trial of criminal cases at least one day of each week, to be fixed by the governing body of the municipality, and shall continue its session from day to day until all business is disposed of. The court shall be held in the town hall or other places provided therefor, and other sessions of the court may be called by the mayor or judge as necessity may require.

Proceedings of court.

The mayor or judge, or assistant judge, as the case may be, shall preside over the court and try and determine all criminal actions coming before them, the jurisdiction of which is conferred by this Act, and the proceedings of the court shall be the same as are now prescribed for courts of justices of the peace and, so far as may be applicable, for the Superior Court.

Jurisdiction of court.

The court shall have the following jurisdiction within the following named territory:

A. Original, exclusive and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the municipality which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses of which the mayor or other municipal court now has jurisdiction.

B. Original and concurrent jurisdiction with justices of the peace of all offenses committed outside the corporate limits of the Town of Pilot Mountain and within the limits of Pilot Township, which is now or may hereafter be given to justices of the peace under the Constitution and general laws of the State.

C. Exclusive, original jurisdiction of all other criminal offenses committed within the corporate limits of such municipality, and outside, but within Pilot Township, which are below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors.

D. Concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime committed within its territory above mentioned, of which the mayor's court is not herein given final jurisdiction.

E. All authority given by the general laws of the State to justices of the peace, and to the Superior Court, to punish for contempt and to issue writs ad testificandum and other process to require the attendance of witnesses and to enforce the orders and judgments of the court.

Power of court to impose sentences.

That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court, for failure to pay a fine or cost, it shall be competent for said court to sentence such persons to imprisonment in the county jail, or town jail,

or other prisons as provided by law, and to adjudge also that such persons work during the period of their confinement on the public roads, public streets, or on the public works of the town, or as otherwise provided by law.

Seal of court.

The court shall have a seal with the impression "The Mayor's Court of the Town of Pilot Mountain," which seal shall be used in the testation of writs, warrants, or other process, acts, judgments, or decrees of the court, in the same manner and to the same effect as the seal of other courts in the State; but no process issuing from the court to be executed within the county, in which court is held, shall require attestation by seal.

Appointment of clerk of Mayor's Court.

Bond required.

The clerk of the mayor's court shall be appointed by the governing body of the town at the same time and for the same term as the judge. Before entering upon the duties of his office, the clerk shall enter into a bond, with sufficient security, in a sum to be fixed by the governing body of the municipality, not to exceed five thousand dollars ($5,000.00), payable to the State, conditioned upon the true and faithful performance of his duties as such clerk for his faithful accounting for all moneys which may come into his hands by virtue of his office. The bond shall be approved by the governing body of the town and shall be filed with the Clerk of the Superior Court of the county. The clerk shall make monthly settlement with the county and city treasurer for all moneys which may come into his hands by virtue of his office. The town clerk may be appointed to serve as ex officio clerk of the mayor's court unless the governing body shall appoint some other person to discharge such duties. The governing body of the town shall have the right to remove the clerk of the court, either for incapability or for neglect of duty. The governing body of the town is hereby authorized to provide a schedule of fees to be charged by the clerk of said court.

Monthly settlements by clerk.

Town clerk may act as ex-officio clerk of Mayor's Court.

Schedule of fees.

Records to be maintained by clerk.

It shall be the duty of the clerk of the court to keep an accurate and true record of all costs, fees, penalties, forfeitures, and punishments imposed by the court, and the record shall show the name and residence of the offender, the nature of the offense, the date of all trials, and the punishment imposed, which record shall at all times be open to inspection by any of the city authorities, or other persons entitled thereto. The clerk shall keep a permanent docket for recording all the processes issued by the court, which shall conform to the dockets kept by the Clerk of the Superior Court. He shall also keep in proper files, to be provided by the city, a record of all cases which shall be disposed of in the court and the disposition made thereof.

Power of clerk to issue warrants.

The clerk of the court shall have all the power and authority now conferred upon justices of the peace to issue warrants for the arrest of all persons charged with the commission of offenses

within the territory hereinbefore fixed, which warrants, however, shall be made returnable before the mayor or judge of said court at the next sitting thereof, and shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace. The clerk shall also have all power and authority of justices of the peace or Clerk of the Superior Court to issue subpoenas or other process, to run anywhere within the State; and when such subpoenas or other process shall run beyond the county in which the court is located, the same shall be attested by the seal of the court.

Power of clerk to issue subpoena or other process.

Prosecuting attorney of court.

There may be a prosecuting attorney of the court, who shall appear for the State in all cases therein and, when specially requested by the governing body of the town and the mayor or judge, shall assist in the prosecution of all cases which may be bound over or appealed from said court to the Superior Court. For his services he shall be paid such amount per annum as may be fixed by the governing body of the town, at the same time and in the same manner as is provided for fixing the salary of the judge. The prosecuting attorney may, or may not, perform the duties of the city attorney, in the discretion of the governing body of the town: *Provided,* that the governing body of any such town is hereby authorized to provide a schedule of fees to be charged by the said prosecuting attorney.

Salary of prosecuting attorney.

Continuances and appearance bonds.

The mayor's court shall have the same authority to grant continuances, take bonds and recognizances, as is now vested by law in the Superior Court, and the procedure regulating the issuing and service of notice against defendants and their securities upon bonds and recognizances and all other proceedings by taking and enforcing judgments in such cases, shall be the same as in the Superior Court in like cases. Transcripts of any judgment rendered may be docketed in the Superior Court of the county in which such court is held, in the same manner and with the same effect as judgments of other courts docketed as provided by law.

Transcripts of judgments.

Payment of one-half of costs by Surry County in cases where sentence is served.

Whenever, under any judgment of the court, any defendant is sentenced to work upon the public roads or other public works in the county, or to pay a fine and costs, or costs only, and the defendant shall in fact work out the sentence or fine and costs, or either, upon the public roads or other public works, as aforesaid, then Surry County shall be liable for and shall pay to the treasurer of the town one-half of the amount of the costs taxed in the cause: *Provided,* the sentence imposed shall be of sufficient length to reimburse the county for one-half of such costs.

The court shall have full power, in any case in which it shall adjudge that the prosecution was not required by the public interests, to tax the prosecutor with the costs of such action; and in the event the court shall adjudge that prosecution is frivolous or malicious, it may imprison the prosecutor for the nonpayment of such costs, as provided by law for similar cases in other courts. Frivolous or malicious prosecution.

SEC. 3. That Section 12 of Chapter 287 of the Private Laws of the State of North Carolina of 1891 be amended by striking out the word "mayor" in line 10 of said Section and inserting in lieu thereof the words "Mayor's Court." Ch. 287 Private Laws 1891, amended.

SEC. 4. That Section 13 of Chapter 287 of the Private Laws of the State of North Carolina of 1891 be, and the same is hereby, amended by adding new paragraphs at the end thereof to read as follows:

The mayor may also issue a process to the sheriff, constable, or other lawful officer of Surry County, or to any other county in the State, and such process, when issued to an officer outside Surry County, shall be attested by the seal of the court and shall be executed by all public officers authorized to execute process, and be returned by them according to law. Issuance of process by Mayor.

The summons, warrants of arrest, and every other writ, process, or precept issuing from the mayor's court may be signed by the mayor or by the presiding judge of the court or by the clerk of the court.

All costs incurred in issuing warrants and serving the same in cases where the mayor or judge has no final jurisdiction, and for the service of process arising in such cases when the process is served by an officer of the town, except as hereinafter provided, shall be paid to the town and the officer serving process issued from said court shall be allowed the same fees as are now allowed to sheriffs in like cases, and the same, when collected, shall be paid over as herein provided. When such officers are not officers of the town, such costs shall be dealt with as is now provided by law. Payment of costs by Town. Fees for officers.

SEC. 5. That Section 14 of Chapter 287 of the Private Laws of the State of North Carolina of 1891 be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows: Ch. 287, Private Laws of 1891, further amended.

In each case disposed of by the court where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs, be allowed the following fees, to be taxed as a part of the costs against the defendant:

Additional fees taxed as part of costs.

For mayor or judge, one dollar ($1.00) in each case involving the breach of a town ordinance and any crime or offense of which a justice of the peace has final jurisdiction, and fee of two dollars ($2.00) in all other cases; for the prosecuting attorney, one dollar ($1.00) in all cases of violation of town ordinances, and of any crime or offense of which a justice of the peace has final jurisdiction, and in all other cases a fee as now provided by law for solicitors prosecuting in the Superior Court; and for the clerk of such court the same fees as are now allowed to Clerks of the Superior Court in similar cases; but in all cases of the breach of town ordinances and cases in which a justice of the peace has final jurisdiction and in which the defendant pleads guilty, the fee herein allowed a prosecuting attorney may be remitted by the court in its discretion. All costs recovered and collected in the court, except as herein otherwise provided, shall belong to the town and shall be paid into the treasury thereof. All fines and penalties collected shall be paid by the clerk of the court to the county treasurer as provided by law, and all fees allowed by law for an arrest or serving other process in a criminal action, when the same shall have been made by the chief of police or other officer who shall be on a salary, shall be paid over to the treasurer of the town for the use of the same, and to reimburse it for the expense of maintaining and supporting the court.

Collection, deposit and allocation of costs.

No right of removal of cases.

No criminal cases in which the Mayor's Court of the Town of Pilot Mountain has jurisdiction can be removed to another court for trial or preliminary hearing as is now allowed in a court of the justice of the peace.

Partial invalidity section.

SEC. 6. This Act is hereby declared to be divisable, and if any part thereof shall be declared invalid for any reason whatever, the remainder thereof shall remain in full force and effect.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 327 **CHAPTER 177**

AN ACT TO REPEAL CHAPTER 87 OF THE PRIVATE LAWS OF 1929 AND TO AMEND CHAPTER 320 OF THE PRIVATE LAWS OF 1893 RELATIVE TO THE SALARY OF THE MAYOR AND THE CLERK OF THE TOWN OF HUNTERSVILLE IN MECKLENBURG COUNTY AND TO DEFINE THE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 87, Private Laws, 1929, repealed.

SECTION 1. That Chapter 87 of the Private Laws of 1929 be, and the same is hereby, repealed.

Ch. 320, Private Laws, 1893, amended to redefine corporate limits of Town of Huntersville, Mecklenburg County.

SEC. 2. That Subsection "First" of Section 1 of Chapter 320 of the Private Laws of 1893 be, and the same is hereby, amended to read as follows:

First: The Corporate Limits of the Town of Huntersville shall be as follows; to-wit:

Beginning at a point 2640 feet due North of the center of the first railroad crossing of the main line track immediately South of the R. H. W. Barker's new store (now or formerly), thence due East 1320 feet to a granite stone, thence due South 5280 feet to a granite stone, thence due West 3960 feet to a granite stone, thence North 5280 feet to a granite stone, thence due East 2640 feet to the point or place of beginning.

Chapter further amended, relative to salary of mayor, town clerk and town commissioners.

SEC. 3. That Section 2 of Chapter 320 of the Private Laws of 1893 be, and the same is hereby, amended to read as follows:

Sec. 2. That the Town Commissioners of the Town of Huntersville shall have the right to allow and pay the mayor of the said town a salary not to exceed two hundred dollars ($200.00) per annum, and that said commissioners shall have the further right to pay to the town clerk a salary not to exceed the sum of two hundred fifty dollars ($250.00) per annum, and shall have the further right to pay each commissioner the sum of twelve dollars ($12.00) per annum, but no one shall be eligible to hold office in said town unless and until he has been a resident of the town for a period of two years and shall be a freeholder in the town.

Residence requirement for eligibility to hold office in town.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 330 CHAPTER 178

AN ACT TO AMEND SECTION 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT THE GOVERNING AUTHORITIES OF CITIES AND TOWNS IN SURRY COUNTY TO USE THE PROCEEDS FROM PARKING METERS FOR THE PURCHASE OF FREE PUBLIC PARKING LOTS.

The General Assembly of North Carolina do enact:

G.S., 160-200, Subsection 31, amended.

SECTION 1. That Subsection 31 of Section 160-200 of the General Statutes of North Carolina, as amended by House Bill No. 5, ratified January 30th, 1947, be, and the same is hereby, amended by adding a new paragraph at the end of said Subsection to read as follows:

Proceeds derived from parking meters in municipalities in Surry County may be used for acquisition of public parking lots.

The governing authorities of all cities and towns in Surry County, North Carolina, are hereby authorized and empowered to use the net proceeds derived from the operation of parking meters for the purpose of leasing or renting public parking lots and to permit the general public to use the same free of any fees or other charges.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 334 CHAPTER 179

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF PENDER COUNTY TO SELL AT PRIVATE SALE CERTAIN LANDS TO THE PENDERLEA BAPTIST CHURCH IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Sale of certain property, Pender County, to Penderlea Baptist Church.

SECTION 1. The Board of Education of Pender County is hereby authorized and empowered to sell in fee simple by private sale to the trustees of the Penderlea Baptist Church in Pender County or other governing body of said church authorized to receive title for consideration deemed by said board of education to be adequate and just, a certain lot or tract of land located in Penderlea, Union Township, Pender County, North Carolina, more particularly described as follows:

Description of property.

Beginning at an iron stake, Joe Beasley's corner, and runs thence as his line North 31½ West 220.5 feet to an iron stake on the west side of a pine tree; thence as Beasley's line South 58½ West 118.5 feet to a bottle cap in the pavement of the drive; thence North 23° 20′ East 72.8 feet to a point on the southern side of the pavement of the drive; thence as the edge of the pavement as follows, viz: North 28° 20′ East 69 feet; North 43° 30′ East 74 feet; North 58° 45′ East 93.5 feet; North 77 East 97.4 feet; South 83 East 88.8 feet; South 60° 45′ East 61.7 feet, and South 44 East 27 feet to a stake; thence South 58° 30′ West 84 feet to an iron stake west of a pine tree; thence South 31° 30′ East 150 feet to an iron stake on the south side of the walk; thence South 58° 30′ West 279 feet to the beginning, containing 2-1/5 acres, more or less.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 340 CHAPTER 180

AN ACT RELATING TO THE INSPECTION OF SCHOOL BUSES AND TRUCKS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Inspection of school buses and trucks, Currituck County.

SECTION 1. It shall be the duty of the Chairman of the County Board of Commissioners of Currituck County or such other member of the board as he may designate, together with the school mechanic to make a thorough and complete inspection of every school bus or school truck in Currituck County before the first Monday on which the March and September terms of the Superior Court of Currituck County begin.

Report of inspection filed with presiding judge.

SEC. 2. The persons designated to make such inspection shall file with the presiding judge upon the opening of court at each of said terms a signed written report of the mechanical condition of the school buses and trucks used in connection with the operation of the public schools of the county, and a copy of said report shall be incorporated as a part of the minutes or proceedings of the court in the minute docket in the office of the Clerk of the Superior Court, and a copy shall be incorporated in and as a part of the minutes of the Board of the County Commissioners of Currituck County and shall be published as required of other minutes of the board.

Compensation to persons making inspection.

SEC. 3. The chairman or other members of the Board of County Commissioners, for making said inspection and report shall receive the same compensation while so engaged as he receives while attending the meetings of the board of commissioners. The duties herein imposed upon the school mechanic shall be a part of his duties as regular school mechanic and he shall receive the same salary while making such inspection as he would receive while engaged in the performance of the other duties of his employment. This Act shall apply only to Currituck County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 345 **CHAPTER 181**

AN ACT TO DIVIDE THE TOWN OF VALDESE INTO FIVE POLITICAL DIVISIONS OR WARDS AND TO PROVIDE FOR THE REPRESENTATION OF EACH WARD ON THE BOARD OF COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Valdese divided into five political wards.

SECTION 1. The Town of Valdese in the County of Burke shall be divided into five political divisions or wards as follows: First Ward, Second Ward, Third Ward, Fourth Ward and Fifth Ward. Said wards shall be severally bounded as follows:

First Ward.

First Ward. Beginning at a point in the city limits line, approximately 3907 feet from the western corner, also corner of Ward No. 5; thence with the said city limits line South 74° 15′ East 2640 feet to a point in the extension of the center line of South Laurel Street extended; thence with the center line of South Laurel Street and its extension South 21° 20′ West approximately 2607 feet to the intersection of the center line of the Southern Railway; thence with the center line of the Southern Railway in a westerly direction approximately 2650 feet to intersection with the center line of Valdo Street extended; thence with the center of Valdo Street extended North 21° 20′ East approximately 2310 feet to the point of beginning.

Second Ward.

Second Ward. Beginning at a point in the city limits line, corner of Ward No. 1, thence South 74° 15′ East with the city limits line approximately 3168 feet to the center of the creek;

thence up the creek in a southerly direction approximately 2510 feet to the Southern Railway; thence with the center line of the Southern Railway in a westerly direction approximately 3450 feet to a point, a corner of Ward No. 1 and in the center line of South Laurel Street extended; thence with the center line of South Laurel Street extended North 21° 20′ East approximately 2607 feet to the point of beginning.

Third Ward. Beginning at an iron pipe, the southeast point of the city limits, thence with the city limits line North 74° 15′ West 3795 feet to a point in a cemetery, an extension of the old Martinat property line; thence with the Martinat property line and extensions North 7° East approximately 1670 feet to a point in Pine Burr Street; thence with said Martinat line North 17° 50′ East 1201 feet to a point in the center of Southern Railway near the southwestern corner of the railway station; thence with the center line of the Southern Railway in an easterly direction approximately 5245 feet to the creek; thence with the creek in a southwesterly direction approximately 1715 feet to a point where the present city limits crosses the creek; thence with the city limits line South 15° 45′ West approximately 1750 feet to the point of beginning. Third Ward.

Fourth Ward. Beginning at a pipe, corner of present city limits; thence with the city limits line North 8° 10′ East 3267 feet to the center line of the Southern Railway; thence with the center line of the Southern Railway in an easterly direction approximately 4330 feet to a point near the southwest corner of the Southern Railway Station, corner of Ward No. 3 and in the extension of the old Martinat line extended; thence with the Martinat line South 17° 50′ West approximately 1201 feet to the center line of Pine Burr Street; thence with the Martinat line and extension South 7° West approximately 1670 feet to a point in the cemetery in the city limits line; thence with the city limits line North 74° 15′ West approximately 4125 feet to the point of beginning. Fourth Ward.

Fifth Ward. Beginning at a point the northwest corner of the city limits; thence South 74° 15′ East with the city limits line approximately 3907 feet to a point, corner of Ward No. 1; thence with the line of Ward No. 1 and with the center of Valdo Street extended South 21° 20′ West approximately 2310 feet to a point in the center line of the Southern Railway; thence with the center line of the Southern Railway in a westerly direction approximately 3525 feet to a point in the city limits line; thence with the city limits line North 8° 10′ East approximately 2060 feet to the point of beginning. Fifth Ward.

Election of mayor and Board of Commissioners, Town of Valdese.

SEC. 2. That at the next municipal election held in the Town of Valdese, subsequent to the ratification of this Act, and biennially thereafter, the Mayor and Board of Commissioners of the Town of Valdese shall be elected as follows:

Form of ballot.

(a) The mayor and board of commissioners shall be voted for on an official ballot conforming as near as may be with the ballots as to printing and handling same and sample ballots, as is prescribed in the State Australian Ballot Law, and shall be authenticated by the facsimile signature of the town clerk at the bottom of each ballot, and shall be headed "Official Ballot Town Election Valdese, North Carolina," and shall contain the names of all the duly entered candidates for mayor and commissioners with square opposite the left of each name. Said ballot shall, under the above official caption, next contain the words "For Mayor" with directions thereunder "Vote for One," followed by the names of the duly entered candidates for mayor, and the voter shall indicate his choice for mayor by making a cross (X) mark in the square opposite the name of his choice; and said ballot shall next contain the words "For Commissioners," with the directions thereunder "Vote for One in Each Ward," and shall next contain the words "First Ward" with the names thereunder of all duly entered candidates for commissioners from said First Ward, with a square opposite the left of each; next said ballot shall contain the words "Second Ward" with the names thereunder of all duly entered candidates for commissioner from the said Second Ward, with a square opposite the left of each; next said ballot shall contain the words "Third Ward" with the names thereunder of all duly entered candidates for commissioner from the said Third Ward, with a square opposite the left of each; next said ballot shall contain the words "Fourth Ward" with the names thereunder of all duly entered candidates for commissioner from the said Fourth Ward, with a square opposite the left of each; next said ballot shall contain the words "Fifth Ward" with the names thereunder of all duly entered candidates for commissioner from the said Fifth Ward, with a square opposite the left of each; and said ballot shall next contain the words "Election————————, 19——" properly filled as to the month and date of such election, with the facsimile signature of the town clerk, followed by the words "Town Clerk, Valdese, North Carolina."

Candidates from First Ward.

Second Ward.

Third Ward.

Fourth Ward.

Fifth Ward.

Names of candidates to be alternated on ballots.

(b) The names of the various candidates for mayor and for commissioners in each ward shall be alternated on the printed ballots so as to, as near as may be, cause each to occupy the first, second or other position on the same number of ballots which shall be printed and distributed to each of said wards. Each voter shall have the right to vote for one commissioner from each ward, and shall indicate his choice for the commissioner from each ward by placing a cross (X) mark in the square

Instructions for marking ballots.

opposite the name of his choice. Should there be marked the names of more than one candidate for mayor, it shall be void as a ballot for mayor; or if the names be marked of more than one candidate for commissioner in any one ward, the said ballot shall be void as a ballot for commissioner for such particular ward so marked; but it shall be a valid ballot for each office where only one name is marked; and the marking of two names for either mayor or commissioner when only one should be voted for, shall not invalidate such ballot as to any other office, or portion of the ballot for mayor or commissioner, which is correctly marked.

Validity of marked ballots.

(c) The candidate for mayor on said ballots who shall receive the greatest aggregate number of votes at such election shall be declared elected mayor; and the candidate on said ballots residing in the First Ward who shall receive the greatest aggregate number of votes for commissioner, when added together from all wards of the town, shall be declared elected commissioner from the First Ward; and the candidate on said ballots residing in the Second Ward who shall receive the greatest aggregate number of votes for commissioner, when added together from all the wards of the town, shall be declared elected commissioner from the Second Ward; and the candidate on said ballots residing in the Third Ward who shall receive the greatest aggregate number of votes for commissioner when added together from all the wards of the town, shall be declared elected commissioner from the Third Ward; and the candidate on said ballots residing in the Fourth Ward who shall receive the greatest aggregate number of votes for commissioner, when added together from all the wards of the town, shall be declared elected commissioner from the Fourth Ward; and the candidate on said ballots residing in the Fifth Ward who shall receive the greatest aggregate number of votes for commissioner, when added together from all the wards of the town, shall be declared elected commissioner from the Fifth Ward.

Candidates receiving greater aggregate number of votes declared elected.

(d) All ballots for mayor and members of the board of commissioners shall be authenticated by the facsimile signature of the town clerk with the date of the election printed thereon, and only the official ballots printed and distributed by the said town clerk to the various election officials in the various wards or election precincts shall be voted in such elections, and be counted in ascertaining the result of such election. That said election shall be conducted in all respects as the municipal elections for the Town of Valdese have heretofore been conducted except as herein provided.

Ballots to be authenticated by facsimile signature of town clerk.

Election procedure.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 348 **CHAPTER 182**

AN ACT TO AMEND SECTION 114-4 OF THE GENERAL STATUTES RELATING TO THE APPOINTMENT OF ASSISTANT ATTORNEYS GENERAL.

The General Assembly of North Carolina do enact:

G. S., 114-4, amended.

SECTION 1. Section 114-4 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Appointment of Assistant Attorneys General.

Assignment of Assistant Attorneys General.

114-4. Assistants; compensation; assignments. The Attorney General shall be allowed to appoint five Assistant Attorneys General, and each of such Assistant Attorneys General shall receive a salary to be fixed by the Director of the Budget. Two Assistant Attorneys General shall be assigned to the State Department of Revenue. The other Assistant Attorneys General shall perform such duties as may be assigned by the Attorney General: *Provided, however,* the provisions of this Section shall not be construed as preventing the Attorney General from assigning additional duties to the Assistant Attorneys General assigned to the State Department of Revenue.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. An existing emergency and the public necessity require that this Act shall become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 356 **CHAPTER 183**

AN ACT TO ENLARGE THE POWERS AND DUTIES OF POLICE OFFICERS IN ALL CITIES AND TOWNS IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Powers and duties of police officers in municipalities, Martin County.

SECTION 1. That all duly qualified and acting police officers and town constables in all cities and towns in Martin County are hereby authorized to serve and execute all writs, warrants, subpoenas and other criminal process issued and directed to the Sheriff or other lawful officer of Martin County at any place in their county; and all such police officers shall be, and they are, hereby clothed with the power of arrest and are authorized to act as conservators of the peace in all parts of the township in which the said city or town is located, and do and perform all other acts of law enforcement in such township as is now possessed by the Sheriff of Martin County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after the tenth day of March, 1947.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 365 **CHAPTER 184**

AN ACT TO AMEND SECTION 105-273 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ORGANIZATION OF THE STATE BOARD OF ASSESSMENT.

Preamble:

Designation of Director of Department of Tax Research as Chairman of State Board of Assessment.

WHEREAS, the present provision designating the Director of the Department of Tax Research as chairman of the State Board of Assessment was enacted by the General Assembly of 1941 to avoid a change in the chairmanship of said board; and

WHEREAS, the files and administrative details of the work of the State Board of Assessment are handled in a division of the Department of Revenue, and procedures would be simplified by having the Commissioner of Revenue as the chairman of said board; Now, therefore,

The General Assembly of North Carolina do enact:

G. S., 105-273, amended to appoint Commissioner of Revenue as Chairman of State Board of Assessment.

SECTION 1. That said Section 105-273 of the General Statutes of North Carolina be, and the same hereby is, amended by striking out the first eight words of the second sentence and inserting in lieu thereof the following: "The Commissioner of Revenue."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

H. B. 400 CHAPTER 185

AN ACT RELATING TO THE PER DIEM OF THE MEMBERS OF THE BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 443, Session Laws, 1945, amended as to per diem of members of Board of Education, Currituck County.

SECTION 1. Chapter 443 of the Session Laws of 1945 is hereby amended by adding at the end of Section 1 the following:

Provided, that the per diem and mileage herein allowed shall be paid only for the meetings held on the first Monday in each month.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1947.

S. B. 64 CHAPTER 186

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROANOKE RAPIDS WITH REGARD TO THE METHOD OF ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Ch. 53, Private Laws, 1931, amended.

SECTION 1. That Chapter 53 of the Private Laws of 1931 be, and the same hereby is, amended by striking out all of Section 7 and rewriting same to read as follows:

Election of mayor and members of Board of Commissioners, City of Roanoke Rapids.

Sec. 7. That at the general municipal election to be held on the first Tuesday after the first Monday in May, 1947, and every two years thereafter, there shall be elected by the registered voters of the City of Roanoke Rapids a mayor and six

commissioners, three of whom shall reside in and be voted upon and elected exclusively by the qualified voters of the North Ward of said city and three of whom shall reside in and be voted upon and elected exclusively by the qualified voters of the South Ward of said city, as said wards are defined in Chapter 67 of the Public-Local Laws of 1937. The mayor shall be elected for a term of two years and shall be elected from the city at large. No persons shall be entitled to vote at such elections unless, in addition to his qualifications as a voter in state and county elections under the general law, he has resided within the corporate limits of the City of Roanoke Rapids four months immediately preceding said election. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election, and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified. The terms of office of all commissioners heretofore elected for the City of Roanoke Rapids shall expire upon the election and qualification of the six commissioners elected in accordance with the provisions of this Act.

Term of office of mayor.

Qualification as voter.

Term of office of incumbents.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. It is hereby declared that the public interest requires an earlier effective date than July 1st, 1947, and this Act shall therefore become effective upon its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

S. B. 140 **CHAPTER 187**

AN ACT TO AMEND CHAPTER 267 OF THE SESSION LAWS OF 1943 AND CHAPTER 253 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1939 SO AS TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALDERMEN OF THE CITY OF STATESVILLE FROM FOUR TO TWO YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 267 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Ch. 267, Session Laws, 1943, amended as to term of office of mayor, City of Statesville.

Section 1. The Mayor of the Town of Statesville shall, at the next city election and biennially thereafter, be elected for a term of two years. The mayor elected at the next election shall serve for a period of two years and until his successor is elected and qualified, and each mayor elected biennially thereafter shall serve for a term of two years.

Ch. 243, Private Laws, 1911, and Ch. 253, Public-Local Laws, 1939, amended as to term of office of aldermen, City of Statesville.

SEC. 2. Section 4 of Chapter 243 of the Private Laws of 1911 as amended by Chapter 253 of the Public-Local and Private Laws of 1939 be, and the same is hereby, amended by striking out the comma following the words "two years" in line eleven of the second paragraph of said Section and inserting in lieu thereof a period; and by striking out the remaining portion of said paragraph and inserting in lieu thereof the following:

At the regular municipal election to be held for the year 1947 there shall be elected four aldermen to succeed those whose terms expire at that time, who shall serve for a term of two years and until their successors are elected and qualified. At the regular municipal election to be held for the year 1949 and biennially thereafter there shall be elected eight aldermen who shall serve for a term of two years and until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

S. B. 132 **CHAPTER 188**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY TO CENTRALIZE THE COLLECTION OF TAXES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Creation of office of Tax Collector and Supervisor for Lincoln County.

SECTION 1. The Board of County Commissioners of Lincoln County is hereby authorized and empowered to abolish the office of tax supervisor in said county, to relieve the sheriff and auditor or any other person of all duties with respect to the collection of all taxes due said county of whatever nature, both current and delinquent, and to create an office to be known as the Office of Tax Collector and Supervisor for Lincoln County.

Appointment of tax collector and supervisor.

SEC. 2. In the event the said commissioners create such office under the provisions of this Act, they shall appoint a person to fill said office to serve at their will or until a successor is duly appointed and qualifies.

Compensation of tax collector and supervisor.

SEC. 3. Any person appointed to fill the office of tax collector and supervisor under the provisions of this Act shall receive such salary as shall be fixed and determined by the board of

county commissioners who shall also furnish to said appointee such clerical assistants and supplies as may be required to properly perform the duties of his office.

Duties of tax collector and supervisor.

SEC. 4. The duties of any tax collector and supervisor appointed under the provisions of this Act shall include the collection of all taxes of whatever nature, penalties, interest, and costs due the county, both current and delinquent, the collection of which is now imposed upon the sheriff, auditor, tax supervisor, or other person, the reviewing, and correcting where necessary of tax listings and the discovery and listing of unlisted property. He shall be required to report all uncollected taxes to the county commissioners at their regular meetings on the first Monday of each month. He shall not be allowed to engage in any other gainful occupation but shall give his full time to the duties imposed upon him as Tax Collector and Supervisor of Lincoln County.

Bond required.

SEC. 5. Any tax collector and supervisor appointed under the provisions of this Act shall furnish bond in some surety company authorized to do business in North Carolina for an amount not less than ten thousand dollars ($10,000), which bond shall be approved by the board of county commissioners.

Officials charged with tax collections to make settlement with tax collector and supervisor.

SEC. 6. At the time any person is appointed to the office of Tax Collector and Supervisor for Lincoln County and qualifies under the provisions of this Act, the Sheriff, Auditor, Tax Supervisor of Lincoln County, or any other person having in his hands tax funds or any evidence of uncollected taxes due said county, shall make full and complete settlement for all taxes with which they are then charged and thereupon all uncollected tax accounts owing the said County of Lincoln shall be turned over to the said tax collector and supervisor appointed pursuant to this Act.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 17 **CHAPTER 189**

AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA COLLEGE FOR NEGROES TO NORTH CAROLINA COLLEGE.

The General Assembly of North Carolina do enact:

North Carolina College at Durham.

SECTION 1. That the name of the North Carolina College for Negroes in Durham shall hereafter be the North Carolina College at Durham.

G. S., 116-99 and 116-100 amended to change name.

SEC. 2. That General Statutes, Sections 116-99 and 116-100, shall be and hereby are amended by striking out therein the words "North Carolina College for Negroes" and substituting in lieu thereof, wherever said words appear in said Sections, the words "North Carolina College at Durham".

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 170 **CHAPTER 190**

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF GRAHAM COUNTY.

The General Asembly of North Carolina do enact:

Salary of Register of Deeds, Graham County.

SECTION 1. The Register of Deeds of Graham County, in addition to all legal fees to which he may be entitled, shall receive an annual salary of two thousand dollars ($2,000.00) to be paid out of general county funds in equal monthly instalments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 171 CHAPTER 191

AN ACT TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Salary of Clerk of Superior Court, Graham County.

SECTION 1. The Clerk of the Superior Court of Graham County, in addition to all legal fees to which he may be entitled, shall receive an annual salary of twenty-four hundred dollars ($2400.00), to be paid out of general county funds in equal monthly installments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 207 CHAPTER 192

AN ACT TO PROHIBIT THE OPERATION OF MOTOR VEHICLES IN CERTAIN BEACH AREAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Operation of motor vehicles or aircraft in beach area, Dare County, prohibited.

SECTION 1. Except as provided in Section 2 of this Act it shall be unlawful for any person to operate any motor vehicle, or land or take off in any aircraft, except in case of emergency, within a beach area in Dare County described as follows:

Description of area.

Beginning at a point, the northeast corner of the Wright Memorial Bridge, running thence in a straight line directly east to the low tidewater line on the ocean front, thence in a southerly direction along the ocean front with the low tidewater line, twenty miles more or less to a point in said low tidewater line, said point being directly east of the southeast corner of the Roanoke Sound Bridge; thence in a straight line directly west to the southeast corner of the Roanoke Sound Bridge; thence with the eastern right-of-way line of U. S. Highway No. 158 to the point of beginning.

Certain exceptions enumerated.

SEC. 2. The prohibitions against the operation of motor vehicles contained in this Act shall not apply to motor vehicles operated upon any regularly established or dedicated road or driveway nor to the operation of motor vehicles on private property by the owners of such property, or members of their immediate family, or by bona fide guests with the written permis-

sion of such owner; neither shall the prohibitions contained in this Act apply to the official operation of motor vehicles or aircraft belonging to or used by the United States Coast Guard Service.

Violations made misdemeanor.

SEC. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punishable by fine or imprisonment or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 215 CHAPTER 193

AN ACT RELATING TO THE FEES OF THE SOLICITOR OF THE RECORDER'S COURT OF GATES COUNTY.

The General Assembly of North Carolina do enact:

Ch. 339, Session Laws 1945, repealed.

SECTION 1. Chapter 339 of the Session Laws of 1945 is hereby repealed.

Gates County Recorder's Court fees.

SEC. 2. In all cases where the defendant shall plead guilty, or shall be convicted, there shall be taxed in the bill of cost a fee of eight dollars ($8.00) in lieu of the prosecuting attorney's fee, which shall be paid by the defendant, and shall be paid into the general county fund. In the event the defendant is confined to jail or confined to jail and assigned to work on the public roads, such fee shall not be taxed as a part of the cost.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 250 **CHAPTER 194**

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE CREATION OF SCHOOL DISTRICTS AND THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF SCHOOL DISTRICTS FOR SPECIAL BOND TAX UNITS, AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES, SO AS TO MAKE THE PROVISIONS OF THE ACT APPLICABLE TO SURRY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 279, Public-Local Laws, 1937, authorizing creation of school districts, amended to apply to Surry County.

SECTION 1. That Section 11 of Chapter 279 of the Public-Local Laws of 1937, relating to the creation of school districts and the issuance of school building bonds and notes in behalf of school districts for special bond tax units, and the levy of taxes within such districts and units for the payment of the principal and interest of such bonds and notes, be, and the same is hereby, amended by striking out the word "County" at the end of said Section and inserting in lieu thereof the words "and Surry Counties."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 290 **CHAPTER 195**

AN ACT TO VALIDATE ALL SALES FOR TAXES MADE BY THE SHERIFF OF CHATHAM COUNTY FOR THE YEARS 1944 AND 1945.

The General Assembly of North Carolina do enact:

Chatham County tax sales, 1944 and 1945, validated.

SECTION 1. That all sales of property for failure to pay taxes, held, conducted or made by the Tax Collector of Chatham County, or any municipality or taxing district therein, during the years of 1944 and 1945, or any dates subsequent to or other than the date prescribed by law, and all certificates of sales executed and issued pursuant to and in accordance with such sales be, and the same hereby are approved, confirmed and validated, and shall have the same force and legal effect as if said sales had been held and conducted on the date prescribed by law.

Pending litigation unaffected.

SEC. 2. That this Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 303 CHAPTER 196

AN ACT TO FIX THE SALARIES OF CERTAIN OF THE PUBLIC OFFICIALS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Board of Commissioners, Carteret County, authorized to fix salaries of certain officials.

SECTION 1. That authority hereby is conferred upon and vested in the Board of Commissioners of Carteret County to determine and fix the salaries to be paid to the Clerk of the Superior Court, sheriff, and register of deeds of said county; and when, after appropriate resolution or resolutions of the said board, duly adopted, such salaries shall have been fixed and determined, such allowances shall have the same validity and effect as though directly fixed and authorized by legislative decree. *Provided, however,* that no salary payable to the said clerk shall be authorized in excess of three hundred twenty-five dollars ($325.00) per month, and which total authorized salary shall be in lieu of all other compensations as clerk, judge of the juvenile court, clerk of recorder's court, or any other compensation as clerk, ex-officio or otherwise. Neither shall any salary payable to the sheriff exceed the sum of three hundred twenty-five dollars ($325.00) per month, and which sum total shall be in lieu of all other compensations to the said sheriff for which otherwise the said county would or might be liable. Nothing herein is intended, however, to prevent the said sheriff from receiving, in addition to said fixed and determined compensation, the regularly prescribed fees for the serving of processes, handling of executions, warrants, and other writs wherein the said county is not taxed in the bill of costs or otherwise called upon or required to pay. Nor shall any salary be paid to the register of deeds in excess of three hundred twenty-five dollars ($325.00) per month, and which sum total as may be authorized shall be in lieu of all other compensations to be paid to said register of deeds, including allowances as ex-officio clerk to the board of commissioners.

Maximum for Clerk of Superior Court.

Maximum for Sheriff.

Maximum for Register of Deeds.

SEC. 2. That the authorization conferred in Section 1 hereof shall be effective from and after March 15th, 1947. Effective date.

SEC. 3. That any and all laws, general and special, in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 308 CHAPTER 197

AN ACT TO AMEND CHAPTER 54 OF THE SESSION LAWS OF 1945 RELATING TO PERMANENT RECORDS OF REAL ESTATE IN ROCKINGHAM COUNTY.

WHEREAS, the Rockingham County Bar Association, at a meeting held on February 3rd, 1947, adopted a resolution requesting that legislation be enacted authorizing the Register of Deeds of Rockingham County to furnish to persons desiring the same, certified copies of maps on record in his office: *Now, therefore,* Preamble: Resolution of Rockingham County Bar Assn.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 54 of the Session Laws of 1945 is hereby amended by adding thereto a new Section to be numbered Section 7½ and to read as follows: Ch. 54, Session Laws, 1945, amended.

Sec. 7½. The Register of Deeds shall, within ten (10) days from the date of application therefor, furnish to any person requesting the same a certified copy of any map on file in his office. For each certified copy of a map, the applicant shall pay to the Register of Deeds the actual cost, including postage, of securing a blue print or photostatic copy of said map, plus a certification fee of sixty cents (60c). Register of Deeds to furnish certified copies of maps. Actual cost paid by applicant.

In order to secure copies of maps on file in his office, the Register of Deeds is hereby authorized to send by registered mail or any other safe method any map on file in his office which is not for general public use to any reliable person, firm or corporation approved by the board of county commissioners, who or which is engaged in the business of making blue prints, lithographs, or photostatic copies of maps.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 322 **CHAPTER 198**

AN ACT TO AMEND CHAPTER 149 OF THE PRIVATE LAWS OF 1929, TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF FAIRMONT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate limits, Town of Fairmont, extended.

SECTION 1. That in addition to the corporate limits of the Town of Fairmont, North Carolina, as now constituted pursuant to Acts of the General Assembly, the corporate limits of the said town shall be extended so as to include the following described areas:

First area defined.

First Area. Beginning at a stake in the northern edge of Iona Road at the present western corporate limits, and running thence as the northern edge of the right of way of said Iona Road, a westerly direction, to the southeastern corner of E. H. Frye's property; thence as Frye's eastern line, a northerly direction, to his northeastern corner; thence continuing with Frye's northern line, a westerly direction, to his northwestern corner; thence as Frye's western line, a southerly direction to the northern edge of the Iona Road; then continuing said course across said road to the southern edge thereof; thence as the southern edge of said road, an easterly direction to the present corporate limits of the Town of Fairmont; thence as the present corporate limits, a northerly direction to the beginning.

Second area defined.

Second Area. Beginning at the point where the center of New Market Street (extended) crosses said corporate limits of the Town of Fairmont, and runs thence a line parallel with the center of the Fairmont-Lumberton paved highway 1500 feet to a stake in Mrs. Janet Floyd's field; thence a line at right angles to said line, an easterly direction, to the western high-water mark of Old Field Swamp; thence as the western high-water mark of Old Field Swamp, a southerly direction, to the present corporate limits of the Town of Fairmont; thence as the present

corporate limits (being the northern corporate limits), a westerly direction, to the beginning.

Third Area. Beginning at the point in the western edge of the Fairmont-Lake View Highway where same crosses the present southern corporate limits of the Town of Fairmont, and runs thence as the western edge of said highway, a southerly direction, to the center of the Old Leesville-Marion Road; thence as the center of said old road and crossing said highway, an easterly direction, to the eastern edge of said highway; thence continuing with the center of said old road in an easterly direction 180 feet to a stake in a ditch; thence as said ditch and the eastern line of Walter G. Bassett's proposed lot, a northerly direction to the northeastern corner of said proposed lot; thence a line parallel with the Fairmont-Lake View Highway, a northerly direction, to the present southern corporate limits of the Town of Fairmont; thence as the present said corporate limits, a westerly direction to the beginning. Third area defined.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 326 CHAPTER 199

AN ACT TO AMEND CHAPTER 235 OF THE SESSION LAWS OF 1945 RELATING TO THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, AND THE REGISTER OF DEEDS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 235 of the Session Laws of 1945 be, and the same is hereby, amended to read as follows: Ch. 235, Session Laws, 1945, increasing salaries of certain officials, Montgomery County, amended.

SEC. 2. This Act shall expire of its own limitation on June 30th, 1949.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 332 CHAPTER 200

AN ACT TO AMEND G. S. 152-5 RELATING TO CORONERS' FEES SO AS TO INCREASE THE CORONER'S FEES IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

G. S., 152-5, amended.

Fees of Coroner, Camden County, increased.

SECTION 1. Section 152-5 of the General Statutes is hereby amended by striking out the word "five" in line four and in line six of said Section and inserting in lieu thereof in line four and in lines six the word "ten", it being the intent and purpose of this Act to change the coroner's fees for holding an inquest in Camden County from five dollars ($5.00) to ten ($10.00).

SEC. 2. This Act shall apply only to Camden County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 346 CHAPTER 201

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF VALDESE.

The General Assembly of North Carolina do enact:

Corporate limits, Town of Valdese, extended and redefined, subject to election.

SECTION 1. That subject to the election hereinafter provided, the corporate limits of the Town of Valdese be, and the same are, hereby extended so that the corporate limits of said town shall be located as follows:

Beginning at an iron pipe, the southeast corner of the present city limits; thence with the present city limits North 74° 15′ West passing through the cemetery approximately 7920 feet, corner of the present city limits, to a pipe; thence a new line North 8° 10′ East crossing the Southern Railroad and the Valdese, Morganton Highway at the intersection of unimproved road, approximately 5327 feet to a point, said point being in the westward extension of the northerly city limits line; thence South 74° 15′ East passing through two corners of the northerly city limits line, approximately 9715 feet to the creek; thence up the creek in a southerly direction with its meanders 4225 feet to the point where the present city limits line crosses; thence with the present city limits line South 15° 45′ West approximately 1750 feet to the point of beginning.

Special election on extension.

SEC. 2. That the Burke County Board of Elections, when requested so to do by the Board of Commissioners of the Town of Valdese, shall call a special election to be held to determine whether or not the boundaries shall be extended and the area herein described annexed to said town.

Form and contents of call for election.

SEC. 3. The call for said election shall: (a) describe the territory proposed to be annexed to the town; (b) provide that the matter of annexation of such territory shall be submitted to a vote of the qualified voters of said town and the territory to be annexed, voting separately; (c) provide for a new or special registration of voters in the territory proposed to be annexed for said election; (d) designate the precincts and voting places for such election; (e) name the registrars and judges of election; (f) make all other necessary provisions for the holding and conducting of said election and the canvassing of the returns and the declaration of the result. Said call for election shall be published in one or more newspapers published in said town once a week for four successive weeks prior to said election. That except as herein provided, said election shall be conducted according to the provisions of law provided for the holding of municipal elections as contained in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Governed by municipal election law.

Form of ballot designated.

SEC. 4. That at said election those voters who reside within the territory proposed to be annexed by said election shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." The ballot so voted by the voters residing within the proposed extension shall be deposited in a separate box, and the results shall be canvassed and declared separate and apart from those voters who reside within the present corporte limits of said town. That at said election those voters who reside within the present corporate limits of said town who favor extending the corporate limits herein provided for shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." The ballots of the voters who reside within the present corporate limits of said town shall be deposited in a separate box, and the results shall be canvassed and declared separate and apart from the ballots of those voters who reside within the proposed extension. If at such election a majority of the votes cast by those persons residing within the territory to be annexed and a majority of the votes cast by those persons who reside within the present corporate limits shall be "For Extension," then on and after the first day of January, 1948, the territory proposed to be annexed and described herein and its citizens and property shall be subject to

Box for voters residing in proposed extension.

Box for voters residing in present corporate limits.

Results determined aggregate majority.

all laws, ordinances, and regulations in force in said town; and likewise said territory and its citizens and property shall be afforded the same privileges, benefits, and facilities as are afforded other comparable parts of the town now within the corporate limits.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 347 **CHAPTER 202**

AN ACT TO FIX THE SALARY OF THE DEPUTY SHERIFF OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Salary of Deputy Sheriff, Pender County, increased.

SECTION 1. Effective as of July 1st, 1946, the salary of the Deputy Sheriff of Pender County shall be twenty-four hundred dollars ($2400.00) per annum, and the same shall be paid in equal monthly installments out of the general fund of Pender County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 373 **CHAPTER 203**

AN ACT TO AMEND GENERAL STATUTES 28-68 RELATING TO PAYMENTS TO CLERKS OF THE SUPERIOR COURT OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS ($300.00) OWING ESTATES, BY EXTENDING THE APPLICATION THEREOF TO SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

G. S., 28-68, payment of sums due intestates to Clerks of Superior Court, amended to apply to Scotland County.

SECTION 1. General Statutes 28-68, as amended, is hereby further amended by inserting the word "Scotland" at the end of the list of counties designated thereunder so that the provisions of said Section shall apply to Scotland County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 353 **CHAPTER 204**

AN ACT TO AMEND CHAPTER 302 OF THE PRIVATE LAWS OF 1913 SO AS TO AUTHORIZE AN EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF OXFORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 302, Private Laws, 1913, amended.

SECTION 1. That Section 2 of Chapter 302 of the Private Laws of 1913 be, and the same is hereby, amended to read as follows:

That the corporate limits of the Town of Oxford shall be all of the territory embraced within the following boundaries:

Corporate limits of Town of Oxford, extended and redefined, subject to election.

Beginning at an iron stake one foot south of the southeast corner of the South Side Sewage Treatment Plant fence; thence, North 63 degrees 15 minutes East two thousand eight hundred thirty-five (2,835) feet to a point three hundred (300) feet east of the center line of the Raleigh Road; thence, North 14 degrees 45 minutes East five thousand seven hundred seventy-five (5,775) feet to a point three hundred (300) feet north of the center line of the Oxford-Henderson Highway; thence, North 48 degrees 30 minutes West eight thousand one hundred seventeen (8,117) feet to a point three hundred (300) feet west of the center line of the Oxford-Clarksville Highway; thence, South 69 degrees 30 minutes West three thousand nine hundred

forty-two (3,942) feet to a point three hunderd (300) feet north of the center line of the Oxford-Virgilina Road; thence, South 3 degrees 30 minutes West seven thousand two hundred sixty-eight (7,268) feet to a point in the center of the Oxford-Stem Road; thence, South 42 degrees 15 minutes East three thousand two hundred (3,200) feet to a point in the center of the Oxford-Durham Highway; thence South 72 degrees East four thousand five hundred ninety-seven (4,597) feet to the place of beginning, said corporate limits containing three and nine hundred and six thousandths (3.906) square miles, more or less.

Election on extension.

SEC. 2. The Board of Commissioners of the Town of Oxford shall call an election to be held not later than twelve months from the date of the ratification of this Act to determine whether or not the territory described in Section 1 hereof shall be annexed to the Town of Oxford. The said election shall be conducted in accord with the provisions of the charter of the Town of Oxford as set out in the above Act as amended governing municipal elections both general and special, except that the said board may, in its discretion, order a new or special registration of all the qualified voters in the territory described in Section 1 of this Act, or the board may allow all persons qualified to vote at municipal elections in the Town of Oxford, as its limits are now constituted, to vote at the said election without re-registering and may require all persons in the territory described in Section 1 of this Act not now so qualified to register and vote at said election.

Election procedure.

Form of ballot.

SEC. 3. That at such election those voters who favor extending the town limits as herein provided shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." If at such election a majority of the votes cast shall be "For Extension" then from and after the first day of the next succeeding month following said election, the territory described in Section 1 of this Act and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said town, and shall be afforded the same privileges, benefits and facilities as are afforded other comparable parts of the said town now within the town limits.

Effective date of extension.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three titmes and ratified, this the 28th day of February, 1947.

H. B. 325 CHAPTER 205

AN ACT TO REGULATE AND FIX THE FEES OF JURORS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows: G. S., 9-5, amended.

All jurors in the Superior Court of Onslow County, including special veniremen and tales jurors, shall receive fees for their services of five dollars ($5.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public traveling. Jury fees, Onslow County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first of July, 1947. Effective date.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 307 CHAPTER 206

AN ACT TO REGULATE AND FIX THE FEES OF JURORS IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows: G. S., 9-5, amended.

All jurors in the Superior Court of Gaston County, including special veniremen and tales jurors, shall receive fees for their services of five dollars ($5.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public traveling. Jury fees, Gaston County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first of July, 1947. Effective date.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 331 CHAPTER 207

AN ACT TO AMEND GENERAL STATUTES 18-26 RELATING TO REWARDS FOR SEIZURE OF LIQUOR STILLS, BY EXTENDING THE APPLICATION THEREOF TO SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

G. S., 18-26, authorizing rewards for seizure of stills, amended to apply to Scotland County.

SECTION 1. General Statutes 18-26 is hereby amended by inserting the word "Scotland" between the words "Sampson" and "Vance" in line 7 of paragraph 2 thereof, so as to include the County of Scotland among those counties to which said Section applies.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

H. B. 318 CHAPTER 208

AN ACT TO FIX THE ALLOWANCE FOR FURNISHING MEALS TO PRISONERS IN JAIL IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Allowance for meals for prisoners, Madison County.

SECTION 1. The Board of County Commissioners of Madison County is hereby authorized, in its discretion, to fix the amount of money allowed the jailer for furnishing meals to prisoners in the Madison County jail at a sum not exceeding one dollar ($1.00) per prisoner per day.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1947.

S. B. 188 **CHAPTER 209**

AN ACT CREATING A BOARD OF INVESTIGATION TO INVESTIGATE CERTAIN COUNTY GOVERNMENTAL AGENCIES IN HALIFAX COUNTY.

Preamble:

Charge of irregularities in government of Halifax County.

WHEREAS, certain irregulariteis in the Government of Halifax County have been charged by certain citizens and called to the attention of Members of the General Assembly through the press, radio, by letter and by personal contact; and

Investigation of such charges deemed necessary.

WHEREAS, in view of the charges preferred against certain officials of Halifax County, it is deemed appropriate and necessary, in the public interest, that said charges be fully, thoroughly and completely investigated, and that a board of investigation composed of disinterested, reputable and qualified citizens of Halifax County be created for the purpose of carefully investigating charges of irregularities preferred against certain officials of the Board of Commissioners of Halifax County and the Alcoholic Beverages Control Board of Halifax County immediately, finding the true facts in respect to said charges and making recommendations to the General Assembly of North Carolina in respect thereto: *Now, therefore,*

The General Assembly of North Carolina do enact:

Investigation Board of Halifax County, created.

SECTION 1. That there is hereby created a board of investigation to be known as "Investigation Board of Halifax County" for the purpose of making an investigation of charges of irregularities preferred against certain officials of the Board of Commissioners of Halifax County and the Alcoholic Beverages Control Board of Halifax County. As a board of investigation, it is hereby specifically directed to examine into the affairs of the governmental agencies hereinafter named and are specifically directed to determine if the laws of North Carolina have been observed by said boards with reference to the performance of the duties of the officers, members and employees thereof, and to determine if any moneys have been illegally paid to any officials, members or employees of said boards; if so, said board is to determine the amount of said payments and what offsets, if any, should be allowed as a matter of right and justice because of services performed which have been of material value and substantial benefit to Halifax County in the conduct of its affairs; said board, after ascertaining the amount of such payments, if any, and the value of the services rendered in dollars and cents, shall thereupon report said findings to the Members of the North Carolina General Assembly from Halifax County and make recommendations to the General Assembly through said Representatives, as to what legislation, if any, should be enacted at the 1947 Session which would be calculated

Duties of Board.

Findings and recommendations of Board.

to bring about a satisfactory, honest and equitable adjustment of such matters and things as have been the subject of charges preferred against said officials and has been determined as a result of said investigation. Said board of investigation may likewise include in its report such recommendations as to such changes, if any, that should be made in the accounting system now employed in Halifax County so as to produce greater efficiency, security and accuracy in the handling of the financial affairs of Halifax County.

Citizens of county to be advised as to findings of Board.

It is intended by this Act that the citizens of Halifax County shall be fully and completely advised of the findings of fact and the recommendations made pursuant thereto by the board of investigation created hereby. To the end that this may be accomplished, said board is hereby directed to furnish to every newspaper and radio station in Halifax County a copy of the report made hereunder to the Members of the General Assembly from Halifax County.

Copy of report to newspapers and radio stations.

Members of Board.

SEC. 2. That for the purpose of carrying out the purposes and provisions of this Act, said investigation board shall consist and be composed of the following:

Fletcher H. Gregory of Halifax, North Carolina, banker, prominent businessman and former State Senator from Halifax County;

Ennis Bryan, prominent businessman and city commissioner of Scotland Neck, North Carolina;

C. J. Leonard, merchant and prominent businessman of Enfield, North Carolina;

Ira J. Hoover, Weldon, North Carolina, farmer and recent Director of the Halifax Resettlement Administration; and

Henry Akers, Post Commander of Veterans of Foreign Wars and businessman of Roanoke Rapids, North Carolina.

Organization of Board.

The members of the board of investigation appointed in Section 2 of this Act shall meet in the courtroom at Halifax, North Carolina, at ten o'clock A. M. on the third day of March, 1947, and after having taken their oath of office, shall perfect the organization of said board, and elect at said time and place a chairman and secretary. Upon the completion of the organization of said board by the election of said officials, said board shall thereupon proceed with the investigation provided for hereunder. Said board of investigation and each member thereof, acting through the chairman elected by said board, shall have the right and power to subpoena and compel the attendance of witnesses at all hearings of said board of investigation, and

Power of Board to issue subpoenas.

after said witnesses are duly sworn by the duly elected or acting chairman of said board, to hear the testimony of said witnesses; said board shall have the right and power to compel the production of any and all public records of Halifax County and the State of North Carolina which pertain to the affairs of the Board of Commissioners and the Alcoholic Beverages Control Board of Halifax County. In event any governmental agency of Halifax County or the State of North Carolina, or the employees of any such agency, shall fail or refuse to testify and produce records subpoenaed by said board of investigation, or shall fail or refuse to cooperate in said investigation by failing to attend and testify, under subpoena, at any hearing of said board, or shall fail to produce public records in the custody of any agency or of any of the employees of said agency, such failure on the part of such agency or employee to fully cooperate in the conduct of said investigation shall likewise be reported to the 1947 Session of the General Assembly of North Carolina through the Senator from and the Representative of Halifax County in the 1947 General Assembly; which report shall likewise contain the names of said officials or employees who have failed to attend or testify at any of said hearings, or produce such records which have been subpoenaed by said board, and which said board deemed necessary or desirable in the conduct of said investigation.

Power to compel production of public records.

Refusal to comply with order of Board reported to 1947 Session of General Assembly.

SEC. 3. In addition to the powers hereinabove granted, the board of investigation created hereby shall have the right to request and demand the services of the County Attorney of Halifax County, or such other attorneys and assistants as may be deemed necessary in order that the investigation of the matters and things involved herein may be conducted in a complete and thorough manner.

Power of Board to request legal assistance.

SEC. 4. The members of said investigation board created hereby shall be allowed as compensation for their services the same per diem compensation as is now paid members of the Board of Commissioners of Halifax County for attendance at regular meetings, plus travel expense and such stenographic service and other services and expenses as may be required and deemed necessary in the conduct of said investigation. Witnesses shall be compensated for attendance at hearings of said board in the same amount as that paid witnesses testifying under subpoena in matters pending before the Superior Court of Halifax County; *provided, however,* that witnesses on regular salary of the County or State Government shall be allowed only travel expense and not per diem compensation. The costs of this investigation shall be borne and paid in the proportion of fifty per cent (50%) by the Halifax County Board of Commissioners and fifty per cent (50%) by the Alcoholic Beverages Control Board

Compensation of members of Board.

Compensation of witnesses appearing before Board.

Payment of cost of investigation.

upon certification by the chairman, attested by the secretary of this board of investigation that said amounts are due and payable to any person, witness, attorney, assistant, firm or employee of any governmental agency of Halifax County or the State of North Carolina, or member of said board created hereby.

Certification of copies of Act to members of Board.

SEC. 5. Immediately upon the ratification of this Act, the Secretary of State is hereby directed to certify five copies of this Act and forward one copy of the same by registered mail to each of the members of the investigation board named in Section 2 hereof at their respective home addresses.

Effective date.

SEC. 6. It is hereby declared that the public interest requires an earlier effective date than July 1st, 1947, and this Act shall therefore become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1947.

S. B. 4 CHAPTER 210

AN ACT TO PROHIBIT THE PURCHASE, SALE, TRANSPORTATION, POSSESSION, ADVERTISEMENT AND USE OF PYROTECHNICS IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Manufacture, sale and use of pyrotechnics in State, prohibited.

SECTION 1. That it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within the State of North Carolina: *Provided, however,* that it shall

Use at public exhibitions permitted.

be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: *Provided,* further that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and

Supervision by experts having written authority required.

public celebrations, shall be under supervision of experts who have previously secured written authority from the board of county commissioners of the county in which said pyrotechnics are to be exhibited, used or discharged: *Provided, further,* that

Common carriers not affected.

it shall not be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the regular course of its business.

Sales deemed to be made at site of delivery.

SEC. 2. That in case of sale or purchase of pyrotechnics, where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee.

Possession constitutes prima facie evidence of violation.

SEC. 3. That possession of pyrotechnics by any person, for any purpose other than those permitted under this Act, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being manufactured, sold, bartered, exchanged, given away, received, furnished, otherwise disposed of, or used in violation of the provisions of this Act.

Permits for use at public exhibitions.

SEC. 4. That for the purpose of enforcing the provisions of this Act, the board of county commissioners of any county are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public exhibitions, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other.

Pyrotechnics defined.

SEC. 5. That for the proper construction of the provisions of this Act, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: *Provided, however*, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms.

Exceptions.

Violations made misdemeanor.

SEC. 6. That any person violating any of the provisions of this Act, except as otherwise specified in said Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Partial invalidity section.

SEC. 7. That if any clause, sentence, paragraph or part of this Act, shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 9. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 76 **CHAPTER 211**

AN ACT TO REQUIRE THE REGISTER OF DEEDS TO INDEX AND CROSS-INDEX AS GRANTORS IMMEDIATE PRIOR OWNERS OF LAND SOLD UNDER FORECLOSURE, EXECUTION OR BY ORDER OF COURT.

The General Assembly of North Carolina do enact:

Registers of Deeds required to index and cross index as of real property conveyed by foreclosure of judicial sales.

SECTION 1. Whenever any deed or other instrument conveying real property by a trustee, mortgagee, commissioner, or other officer appointed by the court, or by the sheriff under execution, is filed with the register of deeds for the purpose of being recorded, it shall be the duty of the register of deeds to index and cross-index as grantors the names of all persons recited in said instrument to be the persons whose interest in such real estate is being conveyed or from whom the title of such real estate was acquired by the grantor in such instrument.

Fee for indexing.

SEC. 2. For indexing and cross-indexing as grantors the names of persons described in Section 1, the register of deeds shall be allowed a fee of ten cents (10c). The provisions of this Section shall not be construed to repeal any local Act fixing a different fee for such indexing or cross-indexing.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 84 **CHAPTER 212**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO ENLARGE THE CORPORATE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

Ch. 512, Public-Local Laws, 1939, amended.

SECTION 1. That Chapter 512 of the Public-Local and Private Laws of 1939 is hereby rewritten to read as follows:

Corporate limits, Town of Tarboro, extended; boundaries redefined.

Beginning at the mouth of Hendricks Creek, on Tar River, then up said creek to the southern line of the right of way of the East Carolina Railway; then with the southern line of said right of way South 85—34 West one hundred (100) feet, South 76—25 West two hundred eight and nine-tenths (208.9) feet, South 66—10 West one thousand five hundred twenty-two (1,552) feet, South 68—18 West two hundred fifty-three (253) feet,

South 72—38 West one hundred eighty-eight and five-tenths (188.5) feet to the old Sparta Road; then with east side of said road or street North 18—06 West eight hundred fifty-four and one-tenth (854.1) feet to north side of Elm Street (Pitt Street extended), then with north side of this street South 66—55 West one thousand four hundred eighty-seven and nine-tenths (1,487.9) feet to a hedgerow, then with said hedgerow North 24—43 East five hundred (500) feet to south side of St. James Street, then crossing said street North 24—43 East two hundred sixty-one and two-tenths (261.2) feet to a stake on east side of Old Sparta Road; then with said road North 14—23 East one hundred (100) feet, North 1—35 West one hundred eighty-eight and six-tenths (188.6) feet, North 13—33 West four hundred eighty-two and two-tenths (482.2) feet to south side of Wilson Street extended; then with the south side of said street North 63—08 East three hundred seventy-seven and four-tenths (377.4) feet; then North 65—06 East four hundred thirty-seven (437) feet to a point; thence crossing Wilson Street North 20—15 West three hundred forty-two (342) feet to a stake, thence North 63—30 East one hundred forty-three (143) feet to a stake, thence North 14—45 East eighty-one (81) feet to a stake, thence North 63—45 East one hundred thirty (130) feet to a stake, thence North 1—00 West eight hundred fifteen (815) feet to Hendricks Creek; then up said creek to a ditch, the southern line of property of Runnymede Mills, Incorporated; then up said ditch to a stake; then North 42—30 West six hundred thirty-four and eight-tenths (634.8) feet along line of Runnymede Mills, Incorporated, to the line of the Speight land; then North 12—29 East four hundred eighty-seven and two-tenths (487.2) feet; North 13—04 East six hundred seventy-three (673) feet to the right of way of the Atlantic Coast Line Railroad Company; then along said right of way North 79—21 West five hundred three and five-tenths (503.5) feet to a point just southwest of the guano factory of F. S. Royster Guano Company; then North 11—20 East nine hundred ninety-nine and four-tenths (999.4) feet to the northern line of said guano company; then along this line and the line of the Southern Cotton Oil Company South 51—50 East two two hundred sixty-eight (268) feet, South 53—35 East three hundred forty-six and seven-tenths (346.7) feet to the C. J. Austin land; then with the Austin line and Southern Cotton Oil Company line South 42—11 East one hundred seventy-three and seven-tenths (173.7) feet, South 50—57 East four hundred ninety-seven and two-tenths (497.2) feet, South 47—45 East five hundred twenty-eight and two-tenths (528.2) feet to the right of way of the railroad; then along northern line of said right of way to the line of the late Mrs. W. H. MacNair; then along this line and the line of the Pinehurst Land Company

North 40—41 West two hundred ninety and seven-tenths (290.7) feet; then North 7—41 East one thousand one hundred fifty-six and one-tenth (1,156.1) feet, North 66—15 East one thousand three hundred ninety-one and three-tenths (1,391.3) feet to the Tarboro-Leggetts Highway; then down the west side of said highway South 20—55 East one thousand four hundred twenty-eight and nine-tenths (1,428.9) feet to a point opposite the northwest corner of the yard enclosing the residence formerly occupied by the late Mrs. T. W. Thrash, now owned by the heirs of the late E. H. Morrison; then crossing said highway North 66—58 East seven hundred eighty-seven and one-tenth (787.1) feet along the line of said yard to the back corner; then South 23—55 East six hundred ninety-three (693) feet to the northern line of the right of way of the Atlantic Coast Line Railroad Company; then North 51—42 East one hundred forty-four (144) feet along side right of way to a stake; then South 37—58 East four hundred nine and four-tenths (409.4) feet to a stake in hedgerow; then South 33—15 East three hundred fifty-four and five-tenths (354.5) feet to a stake on north side of small ditch at the northwest corner of the baseball park; then down said ditch North 62—09 East five hundred twenty-one and five-tenths (521.5) feet, South 17—28 East six hundred forty-seven and one-tenth (647.1) feet, North 79—02 East two hundred fifty-nine (259) feet, North 84—32 East four hundred fifty-four and five-tenths (454.5) feet, South 15—24 East three hundred fifteen (315) feet to Philips Street; then up north side of said street North 67—48 East five hundred twenty-five (525) feet to a stake in hedgerow; then with said hedgerow South 3—45 East four hundred ninety-seven and five-tenths (497.5) feet, North 67—27 East two hundred eighteen and six-tenths (218.6) feet, South 23—05 East three hundred and twenty-eight and four-tenths (328.4) feet; then crossing field North 63—52 East nine hundred ninety-three and six-tenths (993.6) feet to a stake in the field; then South 24—05 East one thousand four hundred seven and nine-tenths (1,407.9) feet to a stake in hedgerow, dividing line between the school property and Panola Farm; then along said hedgerow South 68—13 West eight hundred one and five-tenths (801.5) feet to Oakland Street; then with east side of said street South 23—19 East five hundred eighteen and four-tenths (518.4) feet to St. James Street; then along south side of St. James Street South 66—47 West seven hundred eighty-five and nine-tenths (785.9) feet to a hedgerow and ditch; then down said hedgerow and ditch South 32—55 West seven hundred fifteen and one-tenth (715.1) feet, South 34—32 West five hundred thirty-six and four-tenths (536.4) feet to a stake on west bank of canal running through Panola Farm; then South 17—50 East one thousand seventy-nine and six-tenths (1,079.6) feet to a sycamore on Tar River; then down said river to the beginning.

SEC. 2. That Chapter 314 of the Private Laws of 1909 is hereby amended by striking out that portion of Section 3 thereof entitled, "the third ward," and by inserting in lieu thereof the following:

Ch. 314, Private Laws, 1909, amended to redefine boundaries of Third Ward, Town of Tarboro.

The Third Ward:

Begin on the north side of Church Street at Hendricks Creek; then with Church Street to Main Street; thence up the west side of Main Street to Baker Street; thence westerly along the south side of Baker Street to the corporate limits of the Town of Tarboro, thence following the corporate limits of the Town of Tarbro southerly to the beginning.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 90 **CHAPTER 213**

AN ACT TO AMEND SECTION 1-598 OF CHAPTER 1 OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943, RELATING TO THE MAKING AND FILING OF SWORN STATEMENTS BY NEWSPAPERS MEETING THE QUALIFICATIONS PRESCRIBED BY SECTIONS 1-597 AND 1-599 OF THE GENERAL STATUTES OF NORTH CAROLINA, BY REWRITING THE SECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1-598 of Chapter 1 of the General Statutes of North Carolina, 1943, is hereby amended by striking out the entire Section and by rewriting the Section to read and to be as follows:

G. S., 1-598, rewritten.

Sec. 1-598. Sworn statement prima facie evidence of qualification; false statement a misdemeanor. Whenever any owner, partner, publisher, or other authorized officer or employee of any newspaper which has published a notice or any other paper, document or legal advertisement within the meaning of Section 1-597 has made a written statement under oath taken before any notary public or other officer or person authorized by law to administer oaths, stating that the newspaper in which such notice, paper, document, or legal advertisement was published,

Sworn statement prima facie evidence of qualification of newspaper to publish legal advertising.

was, at the time of such publication, a newspaper meeting all of the requirements and qualifications prescribed by Section 1-597, such sworn written statement shall be received in all courts in this State as prima facie evidence that such newspaper was at the time stated therein a newspaper meeting the requirements and qualifications of Section 1-597. When filed in the office of the Clerk of the Superior Court of any county in which the publication of such notice, paper, document or legal advertisement was required or authorized, any such sworn statement shall be deemed to be a record of the court, and such record or a copy thereof duly certified by the clerk shall be prima facie evidence that the newspaper named was at the time stated therein a qualified newspaper within the meaning of Section 1-597. Nothing in this Section shall preclude proof that a newspaper was or is a qualified newspaper within the meaning of Section 1-597 by any other competent evidence. Any such sworn written statement shall be prima facie evidence of the qualifications on any newspaper at the time of any publication of any notice, paper, document, or legal advertisement published in such newspaper at any time from and after the first day of May, 1940.

SEC. 2. The owner, a partner, publisher or other authorized officer or employee of any newspaper in which such notice, paper, document or legal advertisement is published, when such newspaper is a qualified newspaper within the meaning of Section 1-597, shall include in the affidavit of publication of such notice, paper, document or legal advertisement a statement that at the time of such publication such newspaper was a qualified newspaper within the meaning of Section 1-597.

Affidavit of publication.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

Pending litigation unaffected.

SEC. 3½. That this Act shall not affect any pending litigation.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 109 **CHAPTER 214**

AN ACT TO AMEND ARTICLE 25 OF CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ESTABLISHMENT OF COUNTY RECORDER'S COURTS AS IT RELATES TO SUCH COURT IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

G. S., 7-218, amended. Recorder's Court established under section in Orange County, to be held at County Seat.

SECTION 1. That Section 7-218 of the General Statutes insofar as it relates to a county recorder's court which may hereafter be established in Orange County be amended by changing the comma after the word "seat" in line 8 to a period and by striking out the remainder of said Section.

G. S., 7-219, amended as to election and term of office of Recorder.

SEC. 2. That Section 7-219 insofar as it relates to a county recorder's court hereafter established in Orange County be amended by striking out that portion of said Section after the comma after the word "thereafter" in line 7 and before the period after the word "officers" in line 23 and inserting in lieu thereof the following:

. . . and shall hold his office until the first Monday in December, 1948, at which time his successor shall be elected by the board of county commissioners for a term of two years from the first Monday in December, 1948, and biennially thereafter the Board of County Commissioners of Orange County shall elect a recorder who shall hold his office until his successor is elected and qualified.

G. S., 7-228, amended.

SEC. 3. Section 7-228 of the General Statutes is amended insofar as the same relates to a county recorder's court in Orange County by rewriting the same to read as follows:

Transfer of cases to Superior Court upon demand for jury trial.

In all trials in the Orange County Recorder's Court upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Orange County where it shall be tried de nova.

G. S., 7-222, amended.

SEC. 4. That Section 7-222 of the General Statutes insofar as the same relates to a recorder's court established in Orange County be amended by striking out all of said Section after the colon in line 10 and by adding the following:

Concurrent jurisdiction with Chapel Hill Municipal Court.

Provided, however, that in the territory over which the municipal court of the City of Chapel Hill has jurisdiction, the Recorder's Court of Orange County shall have concurrent jurisdiction with the municipal recorder's court where the jurisdiction of the two courts covers the same cause or the same subject matter.

G. S., 7-231, and G. S., 7-232, amended to apply to Orange County.

SEC. 5. Section 7-231 is hereby amended by striking out the word "Orange" between the words "Moore" and "Perquimans" in next to the last line of said Section. And Section 7-232 is amended by striking out the word "Orange" in next to the last line of said Section.

Application of provisions of Act.

SEC. 6. The provisions of this Act shall be applicable only to a county recorder's court established in Orange County pursuant to Article 25 of Chapter 7 of the General Statutes as amended by this Act.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 120 **CHAPTER 215**

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OR OTHER GOVERNING BOARD OF THE CITY OF FARMVILLE TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Establishment of Traffic Bureau, City of Farmville, authorized.

SECTION 1. That the Board of Aldermen of the City of Farmville may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the city:

Traffic violations within jurisdiction of Bureau, listed.

Parking over the allowed time
Parking between one A. M. and six A. M.
Parking more than twelve inches from the curb
Parking within twenty-five feet of a street corner
Parking within fifteen feet of a fire hydrant
Parking in a non-parking space
Illegal use of loading zone, bus stops and taxi stands
Parking at entrance of alley or driveway
Parking at left side of curb
Double parking
Not displaying proper lights
Making U turn in street where prohibited
Illegal left or right turn
Not displaying city license
Obstructing traffic

Other violations of traffic ordinances enumerated in such ordinance, except failure to stop at any stop sign or stop light.

Payment of costs upon citation.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses may before warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

Schedule of costs.

All overtime parking one dollar ($1.00)
All offenses listed above other than overtime parking one dollar and fifty cents ($1.50) first offense, three dollars ($3.00) second offense.

For the third offense in any twelve months period warrant shall be issued.

Appearance before Bureau and tender of cost as per schedule.

SEC. 3. Any person, firm or corporation cited by the police officers of the City of Farmville to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations; provided that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the City of Farmville, and the person so charged with such violation or violations shall be tried upon such warrant in the Municipal Recorders Court of the City of Farmville.

Issuance of warrant upon failure to appear, and trial in Municipal Recorders Court.

No State Tax.

SEC. 4. That no state tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

Chief of Police to designate officers for Bureau.

SEC. 5. That the chief of police shall designate a sufficient number of officers to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any time and pay the costs provided in this Act.

Costs deposited with City Treasurer.

SEC. 6. That all costs collected in the traffic bureau shall be paid to the treasurer of the city to be treated as costs collected in the Municipal Recorders Court of the City of Farmville.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of the Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 122 **CHAPTER 216**

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OR OTHER GOVERNING BOARD OF THE CITY OF GREENVILLE TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Establishment of Traffic Bureau, City of Greenville, authorized.

SECTION 1. That the Board of Aldermen of the City of Greenville may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following violations within the city:

Traffic violations within jurisdiction of Bureau, listed.

Parking over the allowed time
Parking between one A. M. and six A. M.
Parking more than twelve inches from the curb
Parking within twenty-five feet of a street corner
Parking within fifteen feet of a fire hydrant
Parking in a nonparking space
Illegal use of loading zones, bus stops and taxi stands
Parking at entrance of alley or driveway
Parking at left side of curb
Double parking
Not displaying proper lights
Making U turn in street where prohibited
Illegal left or right turn
Not displaying city license
Obstructing traffic

Other violations of traffic ordinances enumerated in such ordinance, except failure to stop at any stop sign or stop light.

Payment of costs upon citation.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses may before warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

Schedule of costs.

All overtime parking one dollar ($1.00)

All offenses listed above other than overtime parking one dollar and fifty cents ($1.50) first offense, three dollars ($3.00) second offense. For the third offense in any twelve months period warrant shall be issued.

SEC. 3. Any person, firm or corporation cited by the police officers of the City of Greenville to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations; *provided* that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the City of Greenville and the person so charged with such violation or violations shall be tried upon such warrant in the Municipal Recorders Court of the City of Greenville.

Appearance before Bureau and tender of costs as per schedule.

Issuance of warrant upon failure to appear and trial in Municipal Recorders Court.

SEC. 4. That no state tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

No State tax.

SEC. 5. That the chief of police shall designate a sufficient number of officers to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any time and pay the costs provided in this Act.

Designation of Bureau officers by Chief of Police.

SEC. 6. That all costs collected in the traffic bureau shall be paid to the treasurer of the city to be treated as costs collected in the Municipal Recorders Court of the City of Greenville.

Costs deposited with Treasurer of Greenville.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 139 CHAPTER 217

AN ACT TO PROVIDE FOR THE DRAWING OF JURORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. At its next meeting, the Board of Commissioners of Columbus County shall revise the jury lists of said county and make up the same from the county at large and not from the individual townships therein. The jury lists made up under this

Revision of jury list, Columbus County.

Act shall contain, in addition to the names, the addresses of the prospective jurors.

Hereafter, Chapter 9 of the General Statutes as amended, including amendments enacted by the present Session of the General Assembly, shall govern the making up of the jury lists and the drawing of jurors in Columbus County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 147 **CHAPTER 218**

AN ACT TO AUTHORIZE THE COUNCIL OF THE TOWN OF HAMLET TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Establishment of Traffic Bureau, Town of Hamlet, authorized.

SECTION 1. That the Council of the Town of Hamlet may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

List of violations within jurisdiction of Bureau.

Parking over the allowed time.
Parking between six A. M. and six P. M.
Parking more than twelve inches from the curb.
Parking within twenty-five feet of a street corner.
Parking within fifteen feet of a fire hydrant.
Parking in a nonparking space.
Illegal use of loading zones, bus stops and taxi stands.
Parking at entrance of alley or driveway.
Parking left side of curb.
Double parking.
Not displaying proper lights.
Making U turns in street where prohibited.
Illegal left turn or right turn.
Disregarding of stop signs.
Not displaying town license.
Obstructing traffic.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses pay through the traffic bureau the following amounts as partial payment of the court costs for such violations: Partial payment of costs upon citation.

All offenses listed above one dollar ($1.00) first offense; two dollars ($2.00) second offense. For the third offense in any twelve-month period, warrant shall be issued.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Hamlet to appear before such traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in Section 2 of this Act as a partial payment of court cost for such violation or violations: *Provided*, that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations, shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the Town of Hamlet and the person so charged with such violation shall be tried upon such warrant in the Recorder's Court of the Town of Hamlet, Marks Creek Township, Richmond County. Plea of guilty and tender of partial payment. Trial of contested cases by Recorders Court, Town of Hamlet.

SEC. 4. That no State tax shall be paid to the State of North Carolina in such cases, except where a warrant is issued and the case is tried in the Recorder's Court of the Town of Hamlet, Marks Creek Township, Richmond County. State tax.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 93 **CHAPTER 219**

AN ACT TO AMEND ARTICLE 3, CHAPTER 20 OF THE GENERAL STATUTES RELATING TO THE MOTOR VEHICLE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 20-43 of the General Statutes be amended by the addition of a new Subsection at the end thereof to be designated Subsection (c) to read as follows: G. S., 20-43, amended.

Cancellation of records of certificates of title surrendered in other states.

(c) The Commissioner, upon receipt of notification from another state or foreign country that a certificate of title issued by the Department has been surrendered by the owner in conformity with the laws of such other state or foreign country may cancel and destroy such record of certificate of title.

G. S., 20-50, amended, to authorize permits for one way trips.

SEC. 2. That Section 20-50 of the General Statutes be further amended by adding the following proviso to the end thereof, "*provided* that the Commissioner of Motor Vehicles or his duly authorized agent is empowered to grant a special one-way trip permit to move a vehicle without license upon good cause being shown."

G. S., 20-61, amended.

SEC. 3. That Section 20-61 of the General Statutes be amended by adding the following at the end thereof:

Cancellation of records of junked vehicles.

The Commissioner upon receipt of certificate of title and notice from the owner thereof that a vehicle has been junked or dismantled may cancel and destroy such record of certificate of title.

G. S., 20-72(a), amended as to records of transfer.

SEC. 4. That Section 20-72 (a) of the General Statutes be amended by striking out the words "forward such card to the Department" in the last line of said Subsection and inserting in lieu thereof the following:

deliver such card and registration plates to the transferee if such plates are subject to transfer with the vehicle as set out in Section 20-64. If the registration plates are not subject to transfer the registration card and plates may be retained by the transferor of the vehicle and no endorsement would be necessary.

G. S., 20-72(b), amended.

SEC. 5. That Section 20-72 (b) of the General Statutes be amended by adding the following to the end thereof:

Refusal of vendor to assign title made misdemeanor.

Any owner selling or transferring his interest to a motor vehicle who willfully fails or refuses to endorse an assignment of title shall be guilty of a misdemeanor.

G. S., 20-73, amended to require transferee to apply for title.

SEC. 6. That Section 20-73 of the General Statutes be amended by adding the following to the end thereof:

Any transferee willfully failing or refusing to make application for title shall be guilty of a misdemeanor.

G. S., 20-76, as to lost or detained titles, amended.

SEC. 7. That Section 20-76 of the General Statutes be amended by inserting after the words "entitled thereto" in line twelve and before the words "is hereby" the following words and figures: "And that Section 20-72 has been complied with."

SEC. 8. That Section 20-78 of the General Statutes be amended by striking out Subsection (b) thereof in its entirety and inserting in lieu thereof the following as Subsection (b):

G. S., 20-78, amended, as to records of titles maintained by Department.

(b) The Department shall maintain a record of certificates of title issued and may, after three (3) years from year of issue, at its discretion, destroy such records, maintaining at all times the records of the last two owners.

The Commissioner is hereby authorized and empowered to provide for the photographic or photostatic recording of certificate of title records in such manner as he may deem expedient. The photographic or photostatic copies herein authorized shall be sufficient as evidence in tracing of titles of the motor vehicles designated therein, and shall also be admitted in evidence in all actions and proceedings to the same extent that the originals would have been admitted.

SEC. 9. That Section 20-85 of the General Statutes be amended by striking out Subsection (f) thereof in its entirety.

G. S., 20-85, schedule of registration fees, amended.

SEC. 10. That Section 20-94 of the General Statutes be amended by adding the following to the end thereof:

G. S., 20-94, partial payments on license, amended, to require payment of balance on transfer.

When the owner of the vehicles for which a draft has been given sells or transfers ownership to all vehicles covered by the draft, such draft shall become payable immediately, and such vehicles shall not be transferred by the Department until the draft has been paid.

SEC. 11. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 94 CHAPTER 220

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES, RELATING TO MOTOR VEHICLE DEALERS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 20-38 by striking out Subsection (f) and inserting in lieu thereof the following:

G. S., 20-38, Motor Vehicle Act, amended.

Established place of business, defined.

Established place of business. Means the place actually occupied by a dealer or manufacturer and at which a permanent business of bargaining, trading and selling motor vehicles is or will be carried on as such in good faith, and at which place of business shall be kept and maintained the books, records and files necessary and incident to the conduct of the business of automobile dealers or manufacturers.

G. S., 20-79, amended.

SEC. 2. Amend Section 20-79 by striking out Subsection (a) and inserting in lieu thereof the following:

Registration by manufacturers and dealers.

Every manufacturer of or dealer in motor vehicles, trailers or semitrailers shall apply to the Motor Vehicle Department for a license as such upon official forms and shall in his application give the name of the manufacturer or dealer and his bonafide address of each partner; if a corporation, the name of the corporation and the state of incorporation; the bonafide address of the place of business; whether a dealer in new vehicles or in used vehicles and shall state how long in business. Upon receipt of said application the department shall upon the payment of fees as required by law issue a license to such applicant, together with number plates, which plates shall bear thereon a distinctive number, the name of this State, which may be abbreviated, the year for which issued, together with the word dealer or a distinguishing symbol indicating that such plate or plates are issued to a dealer. The plates so issued may during the calendar year for which issued be transferred from one vehicle to another owned and operated by such manufacturer or dealer. The license and plates issued under this Section shall be in lieu of the registration of such vehicle.

Issuance of special plates.

Surrendered upon discontinuance of business.

Any person to whom license and number plates are issued under the provisions of this Subsection upon discontinuing business as a dealer or manufacturer shall forthwith surrender to the department license and all number plates so issued to him.

Violations made misdemeanor.

Any person violating the provisions of this Subsection shall be guilty of a misdemeanor and for each offense shall be fined not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00).

G. S., 20-87, amended.

SEC. 3. Amend Section 20-87 by striking out Subsection (g) and inserting in lieu thereof the following:

Registration fees.

Manufacturers and dealers in motor vehicles, trailers and semitrailers for license and for one set of dealer's plates shall pay the sum of twenty-five dollars ($25.00), and for each additional set of dealer's plates the sum of one dollar ($1.00).

SEC. 4. Amend Section 20-110 by adding thereto a new Subsection to be designated "e": G. S., 20-110.

(e) The department shall rescind and cancel the license and dealer plates issued to any person when it is found that false or fraudulent statements have been made in the application for the same, and when and if it is found that the applicant does not have a bonafide place of business as provided by this Act. Cancellation of registration.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 100 CHAPTER 221

AN ACT TO AUTHORIZE COMMERCIAL FISHING IN NEW RIVER AND ALL OF ITS TRIBUTARIES IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be no limitations or restrictions upon the right to take fish, commercially in New River or any of its tributaries, as far as said tributaries are navigable, in Onslow County, except that such limitations as may be imposed by the Department of Conservation and Development upon the time within which shad and herring may be taken shall be applicable to said streams. Commercial fishing, in New River, Onslow County, authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 115 CHAPTER 222

AN ACT TO AMEND SECTION 68-38 OF THE GENERAL STATUTES OF NORTH CAROLINA CONCERNING DEPREDATIONS OF DOMESTIC FOWLS IN CERTAIN COUNTIES, TO MAKE SAID SECTION APPLICABLE TO WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

G. S., 60-38, prohibiting depredations of domestic fowls, amended to apply to Washington County.

SECTION 1. That Section 68-38 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting in the list of counties in said Section, after the word "Vance" and before the word "Wayne," the word "Washington," it being the purpose of this Act to make said Section applicable to Washington County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 144 CHAPTER 223

AN ACT TO FIX THE DISTRIBUTION OF NATIONAL FORESTS FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT BY CLAY COUNTY.

The General Assembly of North Carolina do enact:

Allocation of National Forest funds, Clay and Macon Counties.

SECTION 1. That all funds received by Clay County and Macon County by virtue of the National Forests Law of the Federal Government and as provided by Title 16, United States Code Annotated, Section 500 (58 Stat. 737), as amended, shall be allocated to the several funds of Clay County and Macon County in proportion to the amount of each fund. That this Act shall be retroactive to January 1st, 1947, and shall govern the allocation and distribution of all National Forests Funds received by Clay County and Macon County since January 1st, 1947.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. Effective date.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 209 **CHAPTER 224**

AN ACT TO REPEAL CHAPTER 836 OF THE SESSION LAWS OF 1945 RELATING TO FOX HUNTING IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 836 of the Session Laws of 1945, relating to fox hunting in Mitchell County, be, and the same is hereby, repealed. Ch. 836, Session Laws, 1945, as to fox hunting, Mitchell County, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 237 **CHAPTER 225**

AN ACT PRESCRIBING THE FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT AND BY THE CLERK OF THE COUNTY RECORDER'S COURT OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Hertford County and the Clerk of the Hertford County Recorder's Court shall be the following and none other: *Provided*, that when a fee is not fixed herein, the fee to be charged shall be as provided and set out in the general laws of North Carolina and the fees herein set out shall be collected by the clerk as now provided by law. Fees charged by Clerk Superior Court, and County Recorders Court, Hertford County, regulated.

(1) The clerk shall not charge any fee of any public official of Hertford County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the County or State.

"Fiduciary," defined.

(2) Definition of Fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator d.b.n., collector, guardian or trustee for a minor or incompetent, receiver, surviving partner, or any other person appointed by the clerk or any other court to administer a trust or estate that shall come under the jurisdiction of the clerk and/or when the clerk is required by law or by an order of any court to supervise the administration of the estate and to audit and approve the accounts filed by such person.

Process tax.

(3) That there shall be levied a process tax of two dollars ($2.00), subject to all the provisions of Section 105-93 of the General Statutes.

Foreclosure fee.

(4) Advertising and selling property, either real or personal, under a mortgage deed, chattel mortgage or deed of trust given in lieu of bond, five per cent (5%) of the sale price.

Adoptions.

(5) Adoption, complete, five dollars ($5.00).

Affidavit.

(6) Affidavit, twenty-five cents (25c) for each person (except affidavits on inventories, annual and final accounts of fiduciaries and affidavits taken for the County of Hertford).

Appeals.

(7) Appeal, docketing, from clerk or other court, one dollar ($1.00).

(8) Appeal to Supreme Court, certificate and seal, two dollars ($2.00).

Attachments.

(9) Attachment, order, fifty cents (50c).

Inventories.

(10) Filing inventory, one dollar ($1.00), plus recording fee.

Accounts.

(11) Auditing annual accounts of executors, administrators, guardians and accounts of other fiduciaries required to render accounts: If not over three hundred dollars ($300.00), a fee of one dollar ($1.00), from three hundred dollars ($300.00) to one thousand dollars ($1,000.00), a fee of twenty-five cents (25c) for each one hundred dollars ($100.00), or a fraction thereof, of the total receipts and disbursements, and if over one thousand dollars ($1,000.00), a fee of five cents (5c) per each one hundred dollars ($100.00), or a fraction thereof, but in no event shall the fee be more than twenty-five dollars ($25.00), plus recording fees in each instance.

Auditing final accounts of fiduciaries.

(12) Auditing final account of executors, administrators, guardians or other fiduciaries required to render accounts, a fee of fifty cents (50c) for each one hundred dollars ($100.00), or a fraction thereof of the total receipts and disbursements

through one thousand dollars ($1,000.00), and ten cents (10c) per each one hundred dollars ($100.00), or a fraction thereof on everything above one thousand dollars ($1,000.00), but in no event shall the fee be less than two dollars ($2.00) or more than fifty dollars ($50.00) in each instance plus recording fees: *Provided*, that when stocks, bonds or any other personal property is delivered to any heir or distributee without converting the same into cash, these fees shall be computed and charged on the same just as though they had been converted into cash, the value of said stocks, bonds, etc., to be fixed as of the date of death, or qualification of the fiduciary.

Auditing final accounts of trustees, mortgagees and commissioners.

(13) Auditing final account of commissioners appointed to sell real estate, trustees and mortgagees or other persons, firms or corporations under foreclosure proceedings required by law to render such final account, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) of receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) on each one hundred dollars ($100.00) above one thousand dollars ($1,000.00): *Provided*, that the minimum fee shall be one dollar and fifty cents ($1.50) and the maximum fee shall not exceed twenty-five dollars ($25.00), plus recording fees in each instance.

Bills of cost.

(14) Bill of cost, preparing same, fifty cents (50c).

Bonds.

(15) Bond or undertaking, including justification, sixty cents (60c).

Lis Pendens.

(16) Cancel notice of lis pendens twenty-five cents (25c).

Capias.

(17) Capias, each defendant, one dollar ($1.00).

Order of arrest.

(18) Arrest, order of, each defendant, one dollar ($1.00).

Caveat to will.

(19) Caveat to a will, entering and docketing same for trial, one dollar and fifty cents ($1.50).

Certificates.

(20) Certificates, twenty-five cents (25c), except where it is a charge against the county.

Claim and Delivery proceedings.

(21) Claim and delivery, issuing complete, two dollars ($2.00), and twenty-five cents (25c) for each copy of same.

Commissions.

(22) Commission, issuing, seventy-five cents (75c).

Continuances.

(23) Continuance, fifty cents (50c).

Commission on fines and penalties.

(24) Commissions, five per cent (5%) shall be allowed the clerk on all fines, penalties, amercements and taxes paid him by virtue of his office.

Confirmation of sales.

(25) Confirmation of sale, whether signed by judge or clerk, one dollar ($1.00).

Cross-indexing. (26) Cross-indexing, ten cents (10c) for each name in each proceeding.

Deeds of separation. (27) Deed of separation or any other deed or instrument, acknowledged by husband and wife, with a special examination of wife, including probate, one dollar ($1.00).

Writs of Dower. (28) Dower, issuing writ, one dollar ($1.00).

Ex Parte proceedings. (29) Ex parte proceeding, docketing, one dollar ($1.00).

Warrants. (30) Docketing warrant, twenty-five cents (25c) each.

Docketing judgments. (31) Docketing judgment, fifty cents (50c).

Docketing summons. (32) Docketing summons or alias or pluries summons, each twenty-five cents (25c).

Executions. (33) Execution and return thereof, including docketing, fifty cents (50c), and certifying return to clerk of any county where judgment is docketed, twenty-five cents (25c).

Filing papers. (34) Filing papers, ten cents (10c) for each paper filed in each case.

Appointment of fiduciaries. (35) Fiduciaries, appointment and qualification of, including taking bond and justification and original letters, three dollars ($3.00).

Fiduciary letters. (36) Fiduciary letters, each certified copy, fifty cents (50c).

Removal of guardians. (37) Guardian, notifying solicitor of removal, one dollar ($1.00).

Guardians ad litem. (38) Guardian ad litem and next friend, appointment of each, one dollar ($1.00).

Injunctions. (39) Injunction, order, one dollar ($1.00).

Indictments. (40) Indictment, including presentment, certificate and docketing, one dollar and twenty cents ($1.20).

Corporate certificates. (41) Recording certificates of incorporation of corporations, complete, three dollars ($3.00).

Certificates of dissolution. (42) Recording certificates of dissolution of corporations, one dollar ($1.00).

Civil judgments. (43) Judgment, final, civil actions and special proceedings before clerk or judge, one dollar ($1.00).

Criminal judgments. (44) Judgment, final, against each defendant in criminal actions, one dollar ($1.00).

Confession judgments. (45) Judgment by confession, complete, three dollars ($3.00).

(46) Judgment nisi and issuing sci. fa. to a defaulting witness, juror or any bail bond or recognizance, one dollar ($1.00) for each person for whom same is issued. Judgments nisi and sci. fa.

(47) Lien, docketing and indexing, one dollar ($1.00). Liens.

(48) Minutes, recording orders and judgments, whether signed by judge or clerk, one dollar ($1.00) each. Minutes.

(49) Motions, entry and records of each, twenty-five cents (25c). Motions.

(50) Notices, twenty-five cents (25c), and for each name over one in same paper, ten cents (10c) additional. Notices.

(51) Notary Public, qualifying and indexing, fifty cents (50c). Notaries Public.

(52) Nurses, registering trained nurses, including certificates of registration, fifty cents (50c). Registering nurses.

(53) Orders, enlarging time for pleading, and all interlocutory orders, twenty-five cents (25c), each. Orders.

(54) Partnership, registering certificate and indexing, fifty cents (50c). Probate limited partnership, fifty cents (50c). Partnership certificates.

(55) Probate of a deed or other writing, proved by a witness, including the certificate, twenty-five cents (25c). Probate of deeds.

(56) Probate of deed or other writing, acknowledged by the signers or makers, including all except married women, with the certificate, twenty-five cents (25c).

(57) Privy examination of married women, when required, twenty-five cents (25c). Privy examinations.

(58) Probate of a will in common form, complete (qualification of fiduciary and letters excepted), one dollar ($1.00). Probate of wills.

(59) Qualifying justice of the peace, twenty-five cents (25c). Justices of the peace.

(60) Recording and copying papers, twenty cents (20c) per one hundred words. Copies and recordings.

(61) Transcript of any matter on record or on file, fifteen cents (15c), for each one hundred words. Transcripts.

(62) Verification of any paper on record or on file, five cents (5c) per one hundred words. Verifications.

(63) Seal of office, when necessary, twenty-five cents (25c). Use of Seal.

(64) Subpoena, each name, fifteen cents (15c). Subpoenas.

Summons.

(65) Summons, issuing original or alias or pluries in any action, one dollar ($1.00) each, and for each copy thereof, twenty-five cents (25c).

Transcripts.

(66) Transcript of judgment, issuing, regular form, forty-five cents (45c), with ten cents (10c) per one hundred words additional for long form judgment.

Years' support.

(67) Widow's Year's Support, docketing and recording, one dollar ($1.00).

Additional compensation for clerk.

(68) The clerk shall receive in addition to his salary, three per cent (3%) when paid out all at one time, or five per cent (5%) when paid out at two or more different times, of all sums of money placed in his hands by virtue of his office, except judgments, decrees and executions.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 242 **CHAPTER 226**

AN ACT TO AMEND CHAPTER 134 OF THE GENERAL STATUTES BY REWRITING ARTICLE 9 THEREOF, CREATING A STATE BOARD OF CORRECTION AND TRAINING AND PRESCRIBING THE POWERS AND DUTIES THEREOF.

The General Assembly of North Carolina do enact:

G. S., Art. 9 of Ch. 134, rewritten.

SECTION 1. Chapter 134 of the General Statutes is hereby amended by rewriting Article 9 thereof in its entirety, so that said Article 9 shall read as follows:

Art. 9. State Board of Correction and Training.

G. S., 134-90, rewritten. State Board of Correction and Training, created.

G. S. 134-90. State Board of Correction and Training created. There is hereby created a State Board of Correction and Training to be composed of nine members, all of whom shall be appointed by the Governor of North Carolina. The Commissioner of Public Welfare shall be an ex officio member without voting power.

Membership and terms of office.

The original membership of the board shall consist of three classes, the first class to serve for a period of two years from the date of appointment, the second class to serve for a period of four years from the date of appointment, and the third class to serve for a period of six years from the date of appointment. At the expiration of the original respective terms of office, all subsequent appointments shall be for a term of six years, except such as are made to fill unexpired terms. Five members of the board shall constitute a quorum.

Members of the board shall serve for terms as prescribed in this Section, and until their successors are appointed and qualified. The Governor shall have the power to remove any member of the board whenever, in his opinion, such removal is in the best public interest, and the Governor shall not be required to assign any reason for any such removal.

G. S., 134-91, rewritten. Powers and duties of the State Board of Correction and Training.

G. S. 134-91. Powers and duties of the State Board of Correction and Training. The following institutions, schools and agencies of this State; namely, the Stonewall Jackson Manual Training and Industrial School, the State Home and Industrial School for Girls, Dobbs Farms, the Eastern Carolina Industrial Training School for Boys, the Morrison Training School, and the State Training School for Negro Girls, together with all such other correctional State institutions, schools or agencies of a similar nature, established and maintained for the correction, discipline or training of delinquent minors, now existing or hereafter created, shall be under the management and administrative control of the State Board of Correction and Training.

Wherever in General Statutes 134-1 to 134-48 inclusive or in General Statutes 134-67 to 134-89 inclusive, or in any other laws of this State, the words "board of directors," "board of trustees," "board of managers," "directors," "trustees," "managers," or "board" are used with reference to the governing body or bodies of the institutions, schools or agencies enumerated in 134-90, the same shall mean the State Board of Correction and Training provided for in General Statutes 134-90, and it shall be construed that the State Board of Correction and Training shall succeed to, exercise and perform all the powers conferred and duties imposed heretofore upon the separate boards of directors, trustees or managers of the several institutions, schools or agencies herein mentioned, and said powers and duties shall be exercised and performed as to each of the institutions by the State Board of Correction and Training herein provided for. The said board shall be responsible for the management of the said institutions, schools or agencies and the disbursement of appropriations made for the maintenance and permanent enlargement and repairs of the said institutions, schools or

Annual reports to the Governor.

agencies subject to the provisions of the Executive Budget Act, and said board shall make report to the Governor annually, and oftener if called for by him, of the condition of each of the schools, institutions or agencies under its management and control, and shall make biennial reports to the Governor, to be transmitted by him to the General Assembly, of all moneys received and disbursed by each of said schools, institutions or agencies.

Biennial reports to General Assembly.

Powers.

The State Board of Correction and Training shall have full management and control of the institutions, schools and agencies named in this Article, and shall have power to administer these institutions, schools and agencies in the manner deemed best for the interest of delinquent boys and girls of all races. Similar provisions shall be made for white and negro children in separate schools. Indian children shall be provided for in a manner comparable to that afforded children of the white and negro races. Individual students may be transferred from one institution, school or agency to another, but this authority to transfer individual students does not authorize the consolidation or abandonment of any institution, school or agency. The Board of Correction and Training, subject to the approval of the Governor and the Advisory Budget Commission, is authorized to transfer the entire population at Dobbs Farm to the State Home and Industrial School for Girls and to utilize the present facilities at Dobbs Farm as a training school for negro girls.

Similar provisions for white and negro children.

Training school for Negro girls at Dobbs farm.

General authority.

The State Board of Correction and Training is hereby vested with administrative powers over the schools, institutions and agencies set forth in this Article, together with all lands, buildings, improvements, and other properties appertaining thereto, and the board is authorized and empowered to do all things necessary in connection therewith for the care, supervision and training of boys and girls of all races who may be received at any of such schools, institutions or agencies.

G. S., 134-92, rewritten. Organization of Board.

G. S. 134-92. Organization of the Board. The State Board of Correction and Training is hereby authorized and given full power to meet and organize, and from their number select a chairman and vice chairman. The Commissioner of Correction hereinafter provided for in this Article shall be executive secretary to the board. All officers of the board shall serve for a two-year period, which period shall be the same as the State's fiscal biennium.

Selection of chairman and vice chairman.

Meetings of the Board.

G. S. 134-93. Meetings of the Board. The State Board of Correction and Training shall convene at least four times a year and at places designated by the board. Insofar as practicable, the place of meetings shall rotate among the several schools and institutions.

G. S., 134-94, rewritten. Selection of Executive Committee.

G. S. 134-94. Executive Committees. The State Board of Correction and Training shall select from its number an executive committee of three members. The powers and duties of the executive committee shall be prescribed by the board and all actions of this committee shall be reported to the full board at the next succeeding meeting.

In addition to the executive committee the board may set up such other committees as may be deemed necessary for the carrying out of the activities of the board.

G. S., 134-95, rewritten. Enactment of By-Laws and regulations.

G. S. 134-95. By-laws; rules and regulations. The State Board of Correction and Training shall make all necessary by-laws, rules and regulations for its own use and for the governing and administering of the schools, institutions and agencies under its control.

G. S., 134-96, rewritten. Employment of Commissioner of Correction.

G. S. 134-96. Commissioner of Correction. The State Board of Correction and Training is hereby authorized and empowered to employ a Commissioner of Correction who shall serve all schools, institutions and agencies covered by this Article. The board shall prescribe the duties and salary of the Commissioner of Correction, subject to the approval of the Director of the Budget. The board may employ secretarial help and such other assistants as in its judgment are necessary to give effect to this Article, subject, however, to the approval of the Director of the Budget.

Qualifications of Commissioner.

The Commissioner of Correction shall be a person of demonstrated executive ability and shall have such special education, training, experience and natural ability in welfare, educational and correctional work as are calculated to qualify him for the discharge of his duties, such training shall include special study in the social sciences and adequate institutional and practical experiences; and he must be a person of good character. He shall devote his full time to the duties of his employment and shall hold no other office, except that he shall serve as secretary to the State Board of Correction and Training.

Payment of salary for commissioner and assistants.

The salary of the Commissioner of Correction and his assistants and the expenses incident to maintaining his office, his travel expenses, and the expenses of the board members shall be paid out of special appropriations set up for the State Board of Correction and Training. The State Board of Public Buildings and Grounds shall provide suitable office space in the City of Raleigh for the Commissioner and his staff.

G. S., 134-97, rewritten. Compensation of members of Board.

G. S. 134-97. Compensation for members of the board. The members of the State Board of Correction and Training shall be paid the sum of seven dollars ($7.00) per day and actual expenses while engaged in the discharge of their official duties.

G. S., 134-98, rewritten.

Superintendent for each institution, authorized.

Qualifications.

Duties and responsibilities.

G. S. 134-98. Election of Superintendents. The State Board of Correction and Training shall elect a superintendent for each of the schools, institutions and agencies, covered by this Chapter. Each superintendent shall be equipped by professional social work training and experience to understand the needs and problems of adolescent boys and girls, to administer an institutional program and to direct professional staff members and other employees. The superintendents of the several institutions, schools and agencies shall be responsible, with the assistance of the Commissioner of Correction, for the employment of all personnel. The superintendents of the several schools and institutions shall likewise have the power to dismiss any employee for incompetence or failure to carry out the work assigned to him.

Monthly report.

The superintendents shall make monthly reports to the Commissioner of Correction on the conduct and activities of the schools, institutions or agencies, and on the boys and girls under their care, and such reports on the financial and business management of the schools, institutions or agencies as may be required by the Board of Correction and Training.

G. S., 134-99, rewritten. Bond required of superintendents and budget officers.

G. S. 134-99. Bonds for superintendents and budget officers. All superintendents and budget officers shall before entering upon their duties make a good and sufficient bond payable to the State of North Carolina in such form and amount as may be specified by the Governor and approved by the State Treasurer.

G. S., 134-100, rewritten. Admission to reformatory institutions.

G. S. 134-100. Who may be committed. The schools, institutions and agencies enumerated, and others that now exist or may be hereafter established, shall accept and train all delinquent children of all races and creeds under the age of eighteen as may be sent by the judges of the juvenile courts or by judges of other courts having jurisdiction, *provided* such persons are not mentally or physically incapable of being substantially benefited by the program of the institution, school or agency.

G. S., 134-101, enacted. Removal of incorrigibles by court of proper jurisdiction.

G. S. 134-101. Removal request by board. If any boy or girl under the care of a State school, institution or agency shall offer violence to a member of the staff or another boy or girl or do or attempt to do injury to the buildings, equipment, or property of the school, or shall by gross or habitual misconduct exert a dangerous or pernicious influence over other boys and girls, the Board of Correction and Training may request the court committing said boy or girl or any court of proper jurisdiction to relieve the school of the custody of the boy or girl.

G. S. 134-102. Transfer by order of Governor. The Governor of the State may by order transfer any person under the age of eighteen years from any jail or prison in this State to one of the institutions, schools or agencies of correction.

G. S., 134-102, enacted. Transfer to institution from prison.

G. S. 134-103. Institution to be in position to care for offender before commitment. Before committing any person to the school, institution or agency, the court shall ascertain whether the school, institution or agency is in a position to care for such person and no person shall be sent to the school, institution or agency until the committing agency has received notice from the superintendent that such person can be received. It shall be at all times within the discretion of the State Board of Correction and Training as to whether the board will receive any qualified person into the school, institution or agency. No commitment shall be made for any definite term but any person so committed may be released or discharged at any time after commitment, as hereinafter provided in this Article.

G. S., 134-103, enacted. Suitability of institution for person committed.

G. S. 134-104. Delivery to institution. It shall be the duty of the county or city authorities from which the person is sent to the school, institution or agency by any court to see that such person is safely and duly delivered to the school, institution or agency to which committed and to pay all expenses incident to his or her conveyance and delivery to the said school, institution or agency. If the offender be a girl, she must be accompanied by a woman approved by the county superintendent of public welfare.

G. S., 134-104, enacted. Delivery to institution by County or City authorities.

G. S. 134-105. Return of boys and girls improperly committed. Whenever it shall appear to the satisfaction of the superintendent of a State school, institution or agency and the State Board of Correction and Training that any boy or girl committed to such school, institution or agency is not of a proper age to be so committed, or is not properly committed, or is mentally or physically incapable of being materially benefited by the services of such school, institution or agency, the superintendent, with the approval of the State Board of Correction and Training, may return such boy or girl to the committing court to be dealt with in all respects as though he or she had not been so committed.

G. S., 134-105, enacted. Return of persons improperly committed to the committing court.

G. S. 134-106. Work to be conducted. There shall be established and conducted on such lands as may be owned in connection with the schools, institutions or agencies such trades, crafts, arts, and sciences suitable to the students and such teachings shall be done with the idea of preparing the students for making a living for themselves after release. Schools shall be maintained of public school standards and operated by teachers holding

G. S., 134-106, enacted. Program of work for students.

Recreation program.

standard certificates as accepted in State's system of public schools. A recreation program shall be maintained for the health and happiness of all students. The precepts of religion, ethics, morals, citizenship and industry shall be taught to all students.

G. S., 134-107, enacted. Conditional releases by Board of Correction.

G. S. 134-107. Conditional release; superintendent may grant conditional release; revocation of release. The Board of Correction and Training shall have power to grant conditional release to any person in any school, institution or agency under its jurisdiction and may delegate this power to the superintendents of the various schools, institutions and agencies, under rules and regulations adopted by the Board of Correction and Training; such conditional release may be terminated at any time by written revocation by the superintendent, under rules and regulations adopted by the Board of Correction and Training, which written revocation shall be sufficient authority for any officer of the school, institution or agency, or any peace officer to apprehend any person named in such written revocation in any county of the State and to return such person to the institution.

Revocation of conditional releases.

G. S., 134-108, enacted. Final discharge.

G. S. 134-108. Final discharge. Final discharge may be granted by the superintendent under rules adopted by the State Board of Correction and Training at any time after admission to the school; *provided, however,* that final discharge must be granted any person upon reaching his twenty-first birthday.

G. S., 134-109, enacted. Apprehension and return of runaways.

G. S. 134-109. Return of runaways. If a boy or girl runs away from a State school, institution or agency, the superintendent may cause him or her to be apprehended and returned to such school, institution or agency. Any employee of the school, institution or agency, or any person designated by the superintendent, or any official of the welfare department, or any peace officer may apprehend and return to the school, institution or agency, without a warrant, a runaway boy or girl in any county of the State, and shall forthwith carry such runaway to the school, institution or agency.

G. S., 134-110, enacted. Aiding escapees made misdemeanor.

G. S. 134-110. Aiding escapees; misdemeanor. It shall be unlawful for any person to aid, harbor, conceal, or assist in any way any boy or girl who is attempting to escape or who has escaped from any school, institution or agency of correction and any person rendering such assistance shall be guilty of a misdemeanor.

G. S., 134-111, enacted. Supervision of sanitary conditions by State Board of Health.

G. S. 134-111. State Board of Health to supervise sanitary and health conditions. The State Board of Health shall have general supervision over the sanitary and health conditions of the several schools, institutions and agencies and shall make periodic examinations of the same and report to the State Board of Cor-

rection and Training the conditions found with respect to the sanitary and hygienic care of the students.

G. S. 134-112. Care of persons under Federal jurisdiction. The State Board of Correction and Training is hereby empowered to make and enter into contractual relations with the proper official of the United States for admission to the State schools, institutions and agencies of such Federal juvenile delinquents committed to the custody of such Attorney General as provided in the Federal Juvenile Delinquency Act as would profit from the program and services of the schools, institutions or agencies.

G. S., 134-112, enacted. Care of Federal Juvenile Delinquents.

G. S. 134-113. Term of Contract. Any contract made under the authority and provision of this Article shall be for a period of not more than two years and shall be renewable from time to time for a period of not to exceed two years.

G. S., 134-113, enacted. Term of contracts.

G. S. 134-114. Approval by State Budget Bureau. Any contract entered into under the provisions of this Article with the office of the United States Attorney General, the Bureau of Prisons of the United States Department of Justice, or necessary Federal agency by any of the contracting institutions for the care of any persons coming within the provisions of this Article shall not be less than the current estimated cost per capita at the time of execution of the contract, and all such financial provisions of any contract, before the execution of said contract, shall have the approval of the State Budget Bureau.

G. S., 134-114, enacted. Contracts subject to approval by Budget Bureau.

SEC. 2. This Article not applicable to reformatories or homes for fallen women authorized by Article 4, Chapter 134 of General Statutes. Nothing contained in this Article shall be construed to affect any of the provisions of G. S. 134-49 through 134-66, the same being Article 4 of Chapter 134 of the General Statutes.

Provisions of Art. 4, ch. 134 of General Statutes, not affected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 251 **CHAPTER 227**

AN ACT TO AMEND CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE, SO AS TO PROVIDE FOR THE EXTENSION OF THE BOUNDARIES OF SAID CITY.

The General Assembly of North Carolina do enact:

Amendment of Ch. 336, Public-Local Laws, 1939, to extend corporate limits, City of Charlotte, subject to election.

SECTION 1. That, subject to an election to be held in the manner hereinafter provided, Chapter 366 of the Public-Local Laws of 1939 is hereby amended as follows: By striking out all of Section 2 thereof and substituting therefor the following:

Proposed corporate limits.

SECTION 2. The corporate limits of the City of Charlotte shall be and are hereby established, as follows, to-wit:

Beginning at a point at the intersection of the center line of Beatties Ford Road and the center line of Barringer Avenue, thence in an easterly direction to the center line of the bridge over Irwin Creek on Statesville Avenue, thence in an easterly direction to the center line of the Southern Railway at a point 800 feet north of the intersection of the center line of Atando Avenue and Hutchison Avenue; thence in an easterly direction to a point in the center line of North Tryon Street 230 feet north of the intersection of the center line of Creosote Road; thence in a southeasterly direction parallel with and 230 feet from the Creosote Road and crossing the Southern Railway to a point in the present city limits; thence with the present city limits in an easterly direction to the center of the bridge over the Norfolk & Southern Railway on the Plaza; thence with the present city limits in a southeasterly direction 230 feet to a point (present city limits corner); thence in a southerly direction to a point in the center of Herrin Avenue extended, 1750 feet east of the center line of the Plaza; thence in an easterly direction to a point on the Hickory Grove Road 230 feet north of the center line of Ridge Road; thence in a southeasterly direction, a distance of 5600 feet to a point 230 feet east of the center line of Eastway Drive; thence in a southerly direction 230 feet east of and parallel to the center line of Eastway Drive to the center line of Commonwealth Avenue; thence in a southwesterly direction crossing Monroe Road and S. A. L. Railway track to a point in center of Sardis Road, which point is southeast 360 feet and at right angles to center line of Wendover Road; thence in a southwesterly direction and parallel to Wendover Road to a point in the center of Providence Road, 360 feet southeast of the center line of Providence Road and Wendover Road; thence in a southwesterly direction and parallel to the center line of Morrison Boulevard to a point in the center line of Sharon Road; thence in a southwesterly direction to a point on the west bank

of Briar Creek 400 feet south of the intersection of the center line of Brandywine Road and the west bank of Briar Creek; thence along the west bank of Briar Creek to the east property line of Park Road; thence along the east property line of the Park Road to the east bank of Sugar Creek; thence along the east bank of Sugar Creek to a point in the center line of Hillside Avenue extended and at its intersection with Sugar Creek; thence in a westerly direction to a point in Park Road 230 feet south of the center line of Park Road and Willow Oak Road; thence continuing on the same course for a distance of approximately 300 feet to a point 230 feet southwest of the center line of Park Road; thence in a northerly direction 230 feet west of and parallel to Park Road to the point of intersection with the extension of the rear property lines of Lots 9 and 10 (see Map Book 230, Page 155, Register of Deeds Office), thence northwesterly with above property line to a point at the intersection of Selwyn Farm property line; thence in a northwesterly direction parallel to Marsh Road 3000 feet to a point; thence in a northwesterly direction to a point which is a corner of the present city limits, 350 feet west of South Tryon Street; thence in a northwesterly direction to a point in the center of Wilkinson Boulevard 230 feet west of the center line of Edgemore Street; thence in a northwesterly direction 230 feet west of and parallel with Edgemore Street to the center line of Fairfax Street extended; thence in a northeasterly direction 230 feet east of and parallel with Clarendon Avenue to the property line of the Cannon Airport; thence in a northerly direction to a corner in Cannon Airport property, approximately 450 feet south of the center line of Rogers Street; thence along Cannon Airport property line to the center line of the Tuckaseege Road 230 feet west of the center line of Emerson Street; thence in a northeasterly direction 230 feet west of and parallel with the center line of Emerson Street for a distance of 1200 feet; thence in a northeasterly direction to a point in the center line of Rozzells Ferry Road at its intersection with the center line of S. A. L. Railway; thence in a northeasterly direction to the center line of Locust Street at its intersection with the north property line of Aurora Avenue; thence along the north property line of Aurora Avenue to a point in the Beatties Ford Road, the point of beginning.

Chapter further amended to divide city into eleven wards.

SEC. 2. That Chapter 366 of the Public-Local Laws of 1939, is hereby further amended as follows: By striking out all of Section 3 and substituting therefor the following:

Section 3. That the territory comprised within the corporate limits described herein shall be and is hereby laid off into eleven wards bounded and described as follows:

First ward. (1) The First Ward, or Ward Number One, is bounded by lines beginning at the center of Independence Square of said city, and running with North Tryon Street to the Seaboard Air Line Railroad; thence with said railroad easterly to Sugar Creek, thence down the creek to the center of the bridge on Elizabeth Avenue, thence with Elizabeth Avenue and Trade Street to the point of beginning.

Second ward. (2) The Second Ward, or Ward Number Two, is bounded by lines, beginning at the center of Independence Square, and running with Trade Street and Elizabeth Avenue to the center of the bridge on Sugar Creek, thence down the creek to the center line of East Morehead Street, thence with the line of Morehead Street to South Tryon Street, and thence with South Tryon Street to the point of beginning.

Third ward. (3) The Third Ward, or Ward Number Three, is bounded by lines, beginning at the center of Independence Square and running with South Tryon Street to Morehead Street, thence westerly, with the line of Morehead Street to Irwin's Creek, thence up the creek to the bridge on West Trade Street, and thence with West Trade Street to the point of beginning.

Fourth ward. (4) The Fourth Ward, or Ward Number Four, is bounded by lines, beginning at the center of Independence Square, and running with West Trade Street to the center of the bridge on Irwin's Creek, thence up the creek to the Seaboard Air Line Railroad, thence with said railroad easterly to its intersection with North Tryon Street, and thence with North Tryon Street to the point of beginning.

Fifth ward. (5) The Fifth Ward, or "North Charlotte," is bounded by lines, beginning at the intersection of North Tryon Street and the Seaboard Air Line Railroad, and running with North Tryon Street, or the Salisbury Road, to the point where the limits of the city, as defined by this Act, cross that road, thence easterly with said corporate limits to the Plaza, thence with the Plaza and Parkwood Avenue to Sugar Creek, and thence with the creek to the Seaboard Air Line Railroad, and thence with said railroad to the point of beginning.

Sixth ward. (6) The Sixth Ward, or "Piedmont" is bounded by lines beginning at the 7th Street bridge on Sugar Creek and running with E. 7th Street to where 7th Street crosses Seaboard Air Line Railroad at an underpass near Briar Creek, thence with the center line of Seaboard Railroad tracks to the city limits where the corporate limits as defined by this Act cross the Seaboard Railroad, thence in northerly direction with said corporate

limits to Plaza Road bridge, thence with Plaza Road and Parkwood Avenue to Sugar Creek, thence with Sugar Creek to the 7th Street bridge the point of beginning.

Seventh ward.

(7) The Seventh Ward, or "Elizabeth and Myers Park" is bounded by lines beginning at 7th Street bridge over Sugar Creek and running with E. 7th Street to where 7th Street crosses Seaboard Air Line Railroad at an underpass near Briar Creek, thence with the center line of Seaboard Railroad tracks to the city limits where the corporte limits as defined by this Act cross the Seaboard Railroad, thence in a southerly direction with said corporate limits to a point on same where they cross Sugar Creek at a point oppoiste Hillside Avenue, thence with Sugar Creek to the point of beginning at the 7th Street bridge.

Eighth ward.

(8) The Eighth Ward, or "Wilworth", is bounded by lines, beginning at the point of Sugar Creek where Morehead Street crosses that creek, and running down the creek to the point where said corporate limits cross that creek, thence in a westerly direction, with said corporate limits, to the Charlotte, Columbia and Augusta Railroad, thence with the railroad to the bridge on Morehead Street, thence with Morehead Street to the point of beginning.

Ninth ward.

(9) The Ninth Ward, or "Wilmoore", is bounded by lines beginning at the Morehead Street bridge, on the Charlotte, Columbia and Augusta Railroad, and running in a southwesterly direction with that railroad to said corporate limits, thence with said limits westerly, to Irwin's Creek, thence up the creek to the point where Morehead Street crosses the creek, and thence with Morehead Street, in a southeasterly direction to the point of beginning.

Tenth ward.

(10) The Tenth Ward, or "Seversville", is bounded by lines, beginning at the bridge or culvert, on the Seaboard Airline Railroad, where the railroad crosses Irwin's Creek and running down the creek in a southwesterly direction to the point where the said corporate limits cross the creek, thence with said corporate limits, to where said corporate limits cross Stewart Creek, thence down said creek to the Seaboard Railroad, thence along Seaboard Railroad to Irwin's Creek culvert to the point of beginning.

Eleventh ward.

(11) The Eleventh Ward, or "Groveton", is bounded by lines, beginning at the intersection of North Tryon Street and the Seaboard Airline Railroad, and running with North Tryon Street or the Salisbury Road, to the point where the corporate limits cross that street, thence westerly, with said limits to Stewart Creek, thence down Stewart Creek to the Seaboard Airline Railroad, thence with said railroad to North Tryon Street the point of beginning.

Election on proposed extension of corporate limits.

SEC. 3. That the question of the foregoing amendments to the charter of the City of Charlotte so as to provide for an extension of the corporate limits of said city shall be submitted to the vote of the qualified voters of said city and the territory to be added thereto by such amendment, as contained within the boundaries hereinbefore set forth, voting together.

Date of election.

SEC. 4. That the election provided for in Section 3 shall be held on April 28th, 1947, under the supervision of the county board of elections and in all particulars, other than those provided in this Act, shall be held and conducted and the qualifications of the voters at the election determined as nearly as may be practicable in accordance with the general law relating to elections for officers of the City of Charlotte and the County of Mecklenburg. The test of qualification of voters in said election shall be whether they are residents of the city or the territory proposed to be added thereto and whether the residents of the city shall be qualified voters of the City of Charlotte and the residents of the territory proposed to be added thereto shall be qualified voters of Mecklenburg County as shown by the registration books. The registration books for all precincts in the City of Charlotte and for those precincts in the County of Mecklenburg, which include the territory outside of said city proposed to be added thereto, shall be kept open for the same period provided for the registration of voters in the City of Charlotte for a municipal primary and election. The registrar in such precincts shall be present at the polling places of each precinct each Saturday during said period from nine o'clock A. M. until sunset for the registration of voters who are not already registered. The county board of elections shall publish a notice of said election for thirty days in a newspaper published in the City of Charlotte. All voters shall vote at the voting places of the precincts in which they reside. Each registrar within the present city limits shall receive ten dollars ($10.00) extra for the city limit election as provided herein.

Conduct of election.

Qualification of voters.

Period of registration.

Notice of election.

Compensation of registrars.

Separate books for precincts proposed to be added.

SEC. 5. The registrars of precincts which include the territory outside the City of Charlotte proposed to be added to said city, during the registration period for said election, shall keep separate registration books in which shall be registered the names of any new registrants in said territory.

Form of ballot.

SEC. 6. That at the election provided for herein, all voters of the city and the territory proposed to be added thereto, as set out above, when they present themselves to the polling places to vote, shall each be supplied by the election officials with a ballot, on which the form of the question shall be in substantially the words "For extension of city limits" and "Against extension of city limits", said alternates shall appear separate from

each other on one ballot containing opposite and to the left of each alternate squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter's choice for or against said extension of the city limits; such ballots shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. If as such election a majority of the votes cast shall be for extension of city limits, then from and after the first day of January, 1949, the corporate limits of said City of Charlotte shall be extended as herein provided, the territory described above, which is now outside the boundaries of the City of Charlotte, shall be a part of the corporate territory of said city and such territory and its citizens and the property shall be subject to all the laws, ordinances and regulations in force in said city. The county board of elections shall declare the result of the election and certify it to the Charlotte City Council, who shall cause it to be entered upon the records of the city.

Printing and supplying ballots.

Effective date of extension of City limits.

Declaration of results.

SEC. 7. That if the corporate limits of the City of Charlotte shall be extended by said election as herein provided, then the county board of elections, after the first day of January, 1949, shall provide for any additional voting precincts within the extended corporate limits, or for the extension of any precincts within the present city limits to include the territory added thereto, which they may deem necessary and for the transcribing of the names of all voters resident in the territory thus added to the city to the registration books of the precincts of the enlarged city in which they shall reside.

Registration of voters residing in extended limits, and establishment of voting precincts.

SEC. 8. That if at such election, the majority of the votes cast therein shall be in favor of such extension, then on and after January 1st, 1949, following such election, those portions of Charlotte Township which are not added to the City of Charlotte shall become parts of the Township in Mecklenburg County adjoining each of the precincts in which said portions are as follows:

Areas of Charlotte Township, not included in extended limits, become part of Township adjoining such area.

Chadwick-Hoskins and Thomasboro shall be added to and become parts of Paw Creek Township.

Those portions of Remount which are not added to and do not become a part of the said City of Charlotte, shall be added to and become a part of Berryhill Township.

Those portions of South Charlotte which are not added to and do not become a part of the City of Charlotte, shall be added to and become a part of Sharon Township.

Those portions of East Charlotte which are southwest of the S. A. L. Railway shall be added to and become a part of Sharon Township.

Those portions of East Charlotte which are northeast of the S. A. L. Railway shall be added to and become a part of Crab Orchard Township.

Box 44 shall be added to and become part of Mallard Creek Township.

The Board of Elections of Mecklenburg County shall have the power to divide the various Townships of Mecklenburg County, to which such additions are made, into such voting precincts as they shall deem best and proper.

New registration authorized.

SEC. 9. That if at such election the majority of the votes cast therein shall be in favor of such extension then on and after January 1st, 1949, following such election, the board of elections shall have power to provide for a new registration in any of the precincts of the City of Charlotte or Mecklenburg County.

Transfer of school properties in extended area to City school commissioners.

SEC. 10. That if any area shall be added to the City of Charlotte as set forth in this Act, all the lands and public school buildings and fixtures located in said area now held by the Board of Education of Mecklenburg County and used as part of the public school system shall immediately at the time such area becomes a part of the City of Charlotte be and become the property of the City of Charlotte; and the Board of School Commissioners of the City of Charlotte are hereby authorized and empowered to take possession of said property on and after said date: *Provided* that any and all claims for existing indebtedness incurred in the purchase or construction of said property shall be satisfied by the said city under an agreement between said Board of School Commissioners and the Board of Education of Mecklenburg County; but in case the parties cannot agree upon a settlement of all claims, the Clerk of the Superior Court of Mecklenburg County shall, upon the petition of the parties, appoint five disinterested persons as commissioners to arbitrate a settlement thereof and the award of such commissioners shall be final.

Arbitration of disputes arising out of settlement of claims.

Compensation of registrars and judges.

SEC. 10-a. The registrars within the present city limits of Charlotte are to be paid an additional ten dollars ($10.00), and each of the judges are to be paid an additional two dollars ($2.00), in connection with the city charter election and in addition to the regular primary salaries.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 257 CHAPTER 228

AN ACT RELATING TO THE FEES OF JURORS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 269 of the Session Laws of 1945 is hereby repealed. Ch. 269, Session Laws, 1945, repealed.

SEC. 2. That Section 9-5 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following: G. S., 9-5, amended as to compensation of jurors, Currituck County.

Provided, that in Currituck County all jurors of the Superior Court, including special veniremen or and grand jurors, shall receive a per diem of four dollars ($4.00) per day with mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home. *Provided further* that "tales" jurors shall not receive mileage for the first day.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 265 CHAPTER 229

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 90 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ILLEGAL AND UNAUTHORIZED PRACTICE OF PHARMACY.

Preamble:

WHEREAS, the illegal practice of pharmacy involving the use of many dangerous drugs and the internal use of these drugs and medicines by the public is eminently dangerous to the pub- Illegal practice of pharmacy dangerous to public health.

lic health and welfare, and such illegal practice is hereby declared to be against public policy: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S., Art. 4 of Ch. 90, amended.

SECTION 1. Article 4 of Chapter 90 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section, which said Section shall be designated as Section 90-85.1, to read as follows:

Illegal practices of pharmacy, enjoined.

Sec. 90-85.1. Enjoining illegal practices. The Board of Pharmacy may, if it shall find that any person is violating any of the provisions of this Article, and after notice to such person of such violation, apply to the Superior Court for a temporary or permanent restraining order or injunction to restrain such person from continuing such illegal practices. If upon such application, it shall appear to the court that such person has violated, or is violating, the provisions of this Article, the court may issue an order restraining any further violations thereof. All such actions by the board for injunctive relief shall be governed by the provisions of Article 37 of the Chapter on "Civil Procedure": *Provided,* such injunctive relief may be granted regardless of whether criminal prosecution has been or may be instituted under any of the provisions of this Article.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 271 CHAPTER 230

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF LENOIR COUNTY TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE AGRICULTURAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

Preamble:

Development of agricultural and industrial resources, Lenoir County, beneficial.

WHEREAS, the County of Lenoir has excellent agricultural and industrial resources which can be further developed by advertising the same and by the proper education of its citizens in respect to the proper development of such resources, which further development will be for the benefit of the citizens and taxpayers of said county: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the County of Lenoir is hereby authorized and empowered to appropriate annually, from revenues received by the county from sources other than ad valorem and other taxes and not required by law to be used for designated purposes, an amount not to exceed the sum of three thousand dollars ($3,000.00), to be used for advertising and developing the agricultural and industrial resources of said county, and particularly its undeveloped agricultural and industrial resources, and for the proper education of its citizens in respect to the development of such resources, which undertaking is hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the Board of Commissioners of Lenoir County or through the facilities of such agency as the said board may select, and shall be used in such manner as will in the opinion of the said board best serve the purposes herein set forth.

Appropriation for advertising and developing such resources authorized.

Expenditure of appropriation.

SEC. 2. All laws or clauses of law in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 272 CHAPTER 231

AN ACT TO AMEND CHAPTER 346 OF THE PUBLIC-LOCAL LAWS OF 1929 ENTITLED "AN ACT TO ESTABLISH KINSTON ELECTRIC SERVICE DISTRICT."

WHEREAS, the City of Kinston is now enlarging its municipal power and water plants and expects to have available an abundance of surplus electric current and water for domestic and commercial use, the sale of which will materially enhance the profits from its said plants, which will be for the benefit of the citizens and taxpayers of the said City of Kinston; and

Preamble:

City of Kinston enlarging its municipal power and water plants.

WHEREAS, it is deemed advisable to use a portion of the revenue from said plants to develop a larger market for its surplus electric current and water: *Now, therefore,*

Use of portion of revenues to develop larger market deemed advisable.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 346 of the Public-Local Laws of 1929 entitled "An Act to Establish Kinston Electric Service District," shall be, and the same is hereby, amended by inserting between

Ch. 346, Public-Local Laws, 1929, amended.

Section 3 and Section 4 thereof a new Section, to be numbered Section 3½, as follows:

Appropriation from revenues of power and water plants for advertisements, authorized.

Sec. 3½. The City Council of the City of Kinston shall be and it is hereby authorized and empowered to appropriate annually, from revenue received from its municipal power and water plants, an amount not to exceed the sum of three thousand dollars ($3,000.00), to be used for advertising the facilities of the City of Kinston and in such manner as in the judgment and discretion of the City Council of the City of Kinston will promote and enhance the profits from its electric light and water plants and be for the benefit of the citizens and taxpayers of the said city, which undertaking is hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the City Council of the City of Kinston or through the facilities of such agency as the said city council may select, and shall be used in such manner as will in the opinion of the said city council best serve the purposes herein set forth.

Expenditure of appropriation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 283 CHAPTER 232

AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF, IN MOORE COUNTY, TO SELL ITS INTEREST IN CERTAIN LANDS AT PRIVATE SALE.

Preamble:

Subdivision of corporate limits, Town of Pinebluff.

WHEREAS, the lands located within the corporate limits of Pinebluff, North Carolina, were years ago subdivided into certain lots, and streets were laid out and dedicated to the public for use as thoroughfares within said town; and

Map showing streets and roadways recorded.

WHEREAS, a map showing the streets and roadways was duly recorded in the office of the Register of Deeds in Moore County, North Carolina; and

Number of streets and roads never used.

WHEREAS, a large number of these streets and roads have never been opened or used by the public or by the citizens of said town; and

WHEREAS, the governing board of the said town deems it advisable and to the best interest of the municipality to release and dispose of its interest in certain streets and roads which have never been opened or used by the public: *Now, therefore,*

Release of municipal interest in certain streets deemed advisable.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the Town of Pinebluff, in Moore County, is hereby authorized to sell and release at private sale all right, title, or interest which the Town of Pinebluff now has in those portions of the streets and roads designated on the map of the Town of Pinebluff which is recorded in the office of the Register of Deeds of Moore County, bounded and described as follows:

Private sale of interest of town in certain streets and roads authorized.

Tract No. 2. A certain tract or parcel of land located in Sandhills Township, Moore County, North Carolina, in the Town of Pinebluff, adjoining the lands of Pauline Little and others, and bounded and described as follows:

Description of areas to be sold.

Beginning at a concrete monument at the west corner of Block A and 4 in Pinebluff, North Carolina and running thence as the northerly line of Baltimore Avenue North 70 degs. 54′ West 5 feet to an iron stake; thence parallel with Plum Street North 19 degs. 6′ East 184 feet to an iron stake; thence South 70 degs. 54′ East 5 feet to a concrete monument; thence South 19 degs. 6′ West 184 feet to the beginning.

Tract No. 2. A certain tract or parcel of land located in Sandhills Township, Moore County, North Carolina, adjoining the lands of J. H. Suttenfield and others bounded and described as follows:

Beginning at a concrete monument in the easterly line of Plum Street in Pinebluff, North Carolina, located 184 feet northerly from Baltimore Avenue, Miss Pauline Little's corner, and running thence North 70 degs. 54′ West 5 feet; thence parallel with Plum Street North 19 degs. 6′ East 316 feet; thence as the line of Chicago Avenue South 70 degs. 54′ East 5 feet; thence as the easterly line of Plum Street South 19 degs. 6′ West 316 feet to the beginning.

SEC. 2. The said board is authorized to accept for such conveyances such compensation as the members thereof may deem appropriate.

Compensation for conveyances.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 289 CHAPTER 233

AN ACT TO PREVENT THE DEPOSITING OF TRASH, TIN CANS, AND LITTER UPON THE LANDS OF ANOTHER ON ROANOKE ISLAND AND ON THE BEACH BETWEEN WRIGHT MEMORIAL BRIDGE AND ROANOKE ISLAND BRIDGE IN DARE COUNTY WITHOUT WRITTEN CONSENT.

The General Assembly of North Carolina do enact:

Deposit of refuse material on certain properties, Dare County, without consent of owner prohibited.

SECTION 1. Any person, not being on his own lands, who shall deposit any trash, debris, garbage, junk, tin cans, litter, or refuse materials of any kind or description upon the lands of another without the written consent of the owner shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

Violations made misdemeanor.

Area regulated.

SEC. 2. That this Act shall apply to Roanoke Island and the beach between Wright Memorial Bridge and Roanoke Island Bridge in Dare County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 343 CHAPTER 234

AN ACT FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF HICKORY, FOR AN ELECTION IN FURTHERANCE THEREOF, FOR THE REPEAL OF THE CHARTER OF THE TOWN OF LONGVIEW, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Special election on extension of corporate limits, City of Hickory.

SECTION 1. Subject to special elections to be held in the manner hereinafter provided, the corporate limits of the City of Hickory shall be extended by adding to the present corporate limits all the territory which is now embraced within the cor-

porate limits of the Town of Longview. Reference is hereby made to the present charter of the Town of Longview, and all amendments thereto, for definite description of its corporate limits.

Proposed extension to embrace Town of Longview.

SEC. 2. That the question of such extension of the corporate limits of the City of Hickory shall be submitted to a vote of the qualified voters respectively of the said City of Hickory and of the Town of Longview proposed to be annexed.

Issue submitted to voters of both cities.

SEC. 3. The special elections shall be held on the first Monday of May, 1947, under the supervision of the Catawba County Board of Elections. The said Catawba County Board of Elections shall appoint a registrar and two judges of election for each precinct in the City of Hickory and for each precinct in the Town of Longview, and shall publish a notice of each election at least thirty days before the date thereof. The registration books shall remain open during a period of thirty days immediately preceding the elections. The registrars in the several precincts shall be present with the registration books at the voting places of their respective precincts on each Saturday between the hours of 9 A. M., and sunset for the purpose of registering voters. A new registration of voters shall not be necessary for either of such special elections and all qualified electors who are properly registered prior to registration for the special elections and those who register in said special elections shall be entitled to vote. The voters in said elections shall be duly qualified persons who have been residents of the State of North Carolina for one year and of the City of Hickory or the Town of Longview, as the case may be, for four months immediately preceding the elections. Except as otherwise herein provided, the special elections herein authorized shall be held and conducted under the same laws, rules and regulations respectively applicable to elections of the Mayor and Aldermen of the City of Hickory and the Town of Longview.

Date of special election.

Registrars and judges of election.

Period of registration.

New registration not necessary.

Qualification of voters.

Regulations governing election.

SEC. 4. That for the purpose of said elections the voting precincts in the said two municipalities shall be the same as those now constituted for general municipal elections in the respective municipalities.

Voting precincts.

SEC. 5. The voters of the Town of Longview who favor annexing the territory now embraced within the corporate limits of the Town of Longview to the City of Hickory shall vote ballots upon which is printed, "For annexation to the City of Hickory and the dissolution of the Charter of the Town of Longview." That, at such election those voters in the Town of Longview who are against annexation to the City of Hickory and the dissolution of the charter of the Town of Longview shall vote

Form of ballot for voters of Town of Longview.

ballots upon which is printed, "Against annexation to the City of Hickory and the dissolution of the Charter of the Town of Longview."

Form of ballot for voters of City of Hickory.

SEC. 6. That the voters of the City of Hickory who are in favor of annexing the territory now embraced within the corporate limits of the Town of Longview shall vote ballots upon which is printed the following: "For annexation of the Town of Longview and assumption of the outstanding indebtedness of said town as same may exist on the first day of July, 1947, and particularly the bonds authorized by the Town Council of the Town of Longview and approved by the voters of said town on June 24th, 1946, for sewer system purposes and for the levy and collection of adequate taxes to pay the principal and interest on the same as they may become due." Those voters who are against annexing said territory to the City of Hickory and assuming said indebtedness shall vote ballots upon which is printed, "Against annexation of the Town of Longview and assumption of the outstanding indebtedness of said town as same may exist on the first day of July, 1947, and particularly the bonds authorized by the Town Council of the Town of Longview and approved by the voters of said town on June 24th, 1946, for sewer system purposes and for the levy and collection of adequate taxes to pay the principal and interest on the same as they may become due."

Corporate limits not extended in event of majority in the negative.

SEC. 7. If a majority of the votes cast in the election held in the Town of Longview shall be against annexation or if the majority of the votes cast in the said election held in the City of Hickory shall be against extension and assumption of said indebtedness, there shall be no extension of the corporate limits as the result of said elections.

Declaration of results.

The county board of elections shall declare the result of the elections and certify them to the councils of the City of Hickory and Town of Longview who shall cause the same to be entered upon their records.

Resubmission of question in event of negative vote.

SEC. 8. In the event a majority of the votes in either municipality shall be in the negative of the respective propositions, the question of the extension of the city limits shall not be re-submitted to a vote within twelve months of the time of said elections; at any time thereafter, if twenty-five per cent (25%) of the qualified voters of the City of Hickory and twenty-five per cent (25%) of the qualified voters of the Town of Longview shall sign petitions addressed respectively to the City Council of the City of Hickory and the Town Council of the Town of Longview asking that other elections be held to determine whether such territory shall be added to and become a part of the City of Hickory, then it shall be the duty of the City Council of the City of Hickory and the Town Council of the Town of Longview to request the Board of Elections of Catawba County to order an-

other election in each municipality and to submit the question of such extension of the corporate limits of the City of Hickory. Any subsequent election shall be held in accordance with the general laws applicable to the election of mayors and aldermen of the respective municipalities and in accordance with the provisions of this Act.

Subsequent election.

SEC. 9. If the majority of the votes cast in the said election held in the City of Hickory and in the election held in the Town of Longview shall be for the respective propositions submitted, then all of the property, real and personal, of the Town of Longview, as of the first day of July, 1947; shall pass to and vest in the City of Hickory, and thereafter shall become public property held for the use and benefit of the enlarged municipality; and the Town Clerk and Treasurer of the Town of Longview shall file with the City Council of the City of Hickory a complete, itemized, detailed statement, certified by a registered public accountant, of all outstanding indebtedness and liabilities, as of the first day of July, 1947, the Town of Longview is obligated to pay, either as bonds, interest, notes, open accounts, salary, or labor, including specifically bonds in the principal sum of one hundred thirty-five thousand dollars ($135,000.00) for sewer system purposes which were approved by the voters of the Town of Longview in an election conducted in said town on the twenty-fourth day of June, 1946, or any other work, and such indebtedness and liability shall become an indebtedness and liability of the City of Hickory to the same extent as they were of the Town of Longview.

Property of Town of Longview to vest in City of Hickory in event of affirmative vote.

Statement to be filed by Town Clerk and Treasurer, Town of Longview.

SEC. 10. All taxes due by the property owners to the Town of Longview at the time the corporate limits of the City of Hickory are extended as herein provided, and all taxes which shall become due upon listings made during the year 1947, shall be collected by the City Manager of the City of Hickory at the same rate and under the same rules, regulations and with the same authority of distress and levy upon property, personal and real, as is now or may be given to the City of Hickory.

Collection of taxes by City of Hickory.

SEC. 11. If, at said elections herein provided for, a majority of the voters of each municipality are in favor of the respective propositions presented to them, and the said sewer bonds which were authorized by the Town Council of Longview, and approved by the voters of said town on June 24th, 1946, are issued, the proceeds from the sale of said bonds shall be applied toward constructing a sewer system as soon as is reasonably possible for the area formerly known as the Town of Longview.

Construction of sewer system in Town of Longview area.

Extension of terms of Mayor and Board of Aldermen, Town of Longview.

SEC. 12. The present terms of office of the Mayor and the Board of Aldermen of the Town of Longview are hereby extended to July 1st, 1947, in the event the majority of the voters in each municipality shall vote in favor of the propositions submitted.

Corporate existenc of Longview, and terms of officials, extended pending issuance of sewer bonds.

SEC. 13. In the event the bonds voted for sewer purposes in the Town of Longview hereinbefore referred to shall be issued after July 1st, 1947, and in the event the majority of the voters at each election shall vote in favor of the propositions submitted to them, the corporate existence of the Town of Longview, and the terms of office of its mayor, aldermen, and town clerk, shall be extended until such time as the said bonds shall have been issued and executed by said officials in the name of and on behalf of the said Town of Longview, but said extension of the corporate existence of the Town of Longview and the terms of office of said officials shall be for the sole purpose of issuing and executing said bonds, and such bonds as may be issued after the first day of July, 1947, shall be assumed by and shall become obligations of the enlarged municipality in all respects as obligations which were outstanding on the first day of July, 1947.

Bonds become obligations of the enlarged municipality.

Levy of uniform ad valorem tax authorized after extension.

SEC. 14. After the extension of the city limits of the City of Hickory, as herein provided, the City Council of the City of Hickory shall for the purpose of raising revenue or paying the indebtedness, liability or expenses incident or necessary for the government of the greater City of Hickory, annually levy a uniform ad valorem tax on all real and tangible personal property within the entire city limits as extended.

Town of Longview to constitute additional ward of City of Hickory.

SEC. 15. In the event the Town of Longview shall be annexed to the City of Hickory under the provisions of this Act, upon such annexation becoming effective, an additional ward shall be added to the existing six wards of the City of Hickory to be separately numbered, which ward, until further division of the enlarged municipal area into seven wards, shall embrace the territory heretofore included within the corporate limits of the Town of Longview. The Town Council of the Town of Longview is hereby authorized and empowered to choose by majority vote of its body a member of the City Council of greater Hickory to serve for the time elapsing between July 1st, 1947, and the regular election of city officials for the City of Hickory in the year 1949, when the qualified voters of such additional ward shall in accordance with the provisions of the charter of the City of Hickory relating to the election of aldermen, nominate and elect a member of the City Council of the City of Hickory to serve for two years; and at such election the said qualified voters of the additional ward shall likewise have the right to vote for a mayor to be elected at large for a term of

Interim—Election of member of Hickory City Council from Town of Longview.

Election of Mayor.

one year, in all respects as voters from other wards of the City of Hickory; and thereafter an alderman shall be elected from said additional ward in all respects as aldermen are elected from other wards of the City of Hickory, and the qualified voters of said additional ward shall have the same right to vote for a mayor to be elected at large as the qualified voters of other wards of the city; and the city manager, in his published notice of calls for municipal elections, shall designate a voting place in said additional ward as in other wards of the City of Hickory. At any time following the effective annexation date, the enlarged area of the City of Hickory may be divided by the city council into seven wards of equal population or as nearly so as possible, and thereafter the qualified voters of each such city ward shall, at the time provided by law and following the provisions of the charter of the City of Hickory, as amended, nominate and elect their respective members of the city council. Except as herein otherwise provided, the aldermen from the several wards of the City of Hickory and the mayor shall continue to be elected in accordance with the present provisions of the charter of the City of Hickory, as amended.

Election of alderman.

Designation of voting place in additional ward.

Division of enlarged municipality into seven wards.

Nomination and election of officials by the several wards.

SEC. 16. In the event that the corporate limits of the City of Hickory shall be extended as hereinbefore provided, five members shall constitute a quorum of the City Council of the City of Hickory to transact business, and three members may adjourn from day to day and compel the attendance of the absent members.

Quorum of City Council in event of extension.

SEC. 17. Immediately upon receipt from the Catawba County Board of Elections of certification of the results of said elections, the governing bodies of the City of Hickory and the Town of Longview shall cause to be published in a newspaper of general circulation a notice setting forth the results of said elections as certified by the Catawba County Board of Elections and advising all persons that any action or proceeding in any court to set aside said elections or to obtain any other relief on the grounds that the elections are invalid must be commenced within thirty days after the publication of the notice aforesaid. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the elections or either of them shall be asserted nor shall the validity of the elections or either of them be open to question in any court upon any ground whatever except in an action or proceeding commenced within such period.

Publication of results of election.

Time limitation on actions to contest the validity of election.

SEC. 18. The regular election for the Mayor and Aldermen of the Town of Longview for the year 1947 is hereby postponed in the event the elections herein provided for shall not result in extending the corporate limits of the City of Hickory, and such

Regular election of officials of Longview, postponed.

regular election for the Mayor and Aldermen of the Town of Longview is hereby cancelled in the event the elections herein provided for shall result in such extension of the corporate limits of the City of Hickory. In the event the elections herein provided for shall not result in extension of the city limits of the City of Hickory as herein provided, the Town Council of the Town of Longview shall have authority to call and conduct an election to be held in June or July, 1947, for the election of a Mayor and Aldermen of the Town of Longview to serve until the next regular election in 1949, which shall be conducted under the General Municipal Election Laws, and in such event the present terms of office of the Mayor and Aldermen of Longview are hereby extended until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 19. All laws or parts of law in conflict with provisions of this Act are hereby repealed, but the repeal as herein provided, of the laws incorporating the Town of Longview including amendments thereto shall in no way or manner be understood or taken as invalidation of any bonds or other obligations outstanding against the Town of Longview, as herein provided.

Outstanding obligations unaffected.

Effective date.

SEC. 20. And the emergency existing with respect to the matter hereinbefore set forth and the public interest requiring it, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 351 CHAPTER 235

AN ACT TO REGULATE FEES AND SALARIES IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

G. S., 9-5, amended as to fees for jurors, Richmond County.

SECTION 1. That Section 9-5 of the General Statutes of North Carolina be, and it hereby is, amended by adding thereto the following proviso:

Provided, that in Richmond County all jurors in the Superior Court, including grand jurors and special veniremen, shall receive five dollars ($5.00) per day and all of said jurors, except tales jurors, shall receive mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home.

G. S., 153-13, amended as to compensation of County Commissioners, Richmond County.

SEC. 2. That Section 153-13 of the General Statutes of North Carolina be, and the same hereby is, amended by adding thereto the following:

Provided, that each County Commissioner of Richmond County, except the Chairman of the Board of County Commissioners of Richmond County, shall receive for his services the sum of three hundred dollars ($300.00) per year, and they may be allowed mileage to and from their place of meeting, not to exceed five cents (5c) per mile. The Chairman of the Board of County Commissioners of Richmond County shall receive for his services the sum of six hundred dollars ($600.00) per year, and he may be allowed mileage to and from the place of meeting not to exceed five cents (5c) per mile.

SEC. 3. That Chapter 462 of the Public-Local Laws of 1927 be, and the same hereby is, repealed.

Ch. 462, Public-Local Laws, 1927, repealed.

SEC. 4. That Section 162-6 of the General Statutes of North Carolina be, and the same hereby is, amended, so that the Sheriff of Richmond County shall receive the following fees, namely:

G. S., 162-6, amended as to fees of Sheriff, Richmond County.

Executing summons or any other writ or notice, one dollar and twenty-five cents ($1.25).

Schedule of fees of Sheriff.

Executing subpoena on a witness, fifty cents (50c).

For every execution either in civil or criminal cases, one dollar ($1.00).

Conveying a prisoner to jail to another county, six cents (6c) per mile each way.

For prisoner's guard, if any necessary, and approved by the county commissiners, going and returning per mile for each, each way, six cents (6c).

Expense of guard and all other expenses (including mileage of six cents (6c) per mile each way) of conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before a court or justice of the peace in another county, or in going to another county for a prisoner, to be taxed in the bill of costs and allowed by the board of commissioners of the county in which the criminal proceedings were instituted.

For conveying prisoners to the penitentiary, two dollars ($2.00) per day and actual and necessary expenses, including six cents (6c) per mile each way; also one dollar ($1.00) a day and actual and necessary expenses for each guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the Clerk of the Superior Court shall swear to be necessary for the safe conveyance of the convicts, to be paid by the board of commissioners of the county.

Bringing up a prisoner on habeas corpus, to testify or answer to any court or before any judge, one dollar ($1.00), and all necessary and actual expenses for such services, and six cents (6c) per mile by the route most usually traveled, and all expenses for any guard actually employed and necessary.

Mileage allowance for service of process out of county.

Whenever any precept or process shall be directed to the Sheriff of Richmond County, to be served out of his county, the sheriff shall have for such service not only the fees allowed by law, but a further compensation of six cents (6c) per mile of travel going to and returning from service of such precept or process.

Meals for prisoners.

SEC. 5. (a) The Sheriff of Richmond County shall receive one dollar ($1.00) per day for feeding each prisoner in the jail to be paid by the board of county commissioners. That each prisoner in the Richmond County Jail shall be charged one dollar ($1.00) per day as a fee for board and lodging which shall be taxed in the bill of costs and paid to Richmond County.

(b) That Chapter 104 of the Public-Local Laws of 1939 be, and the same hereby is, repealed.

Sec. 1. (d), Ch. 342 Public-Local Laws 1933, repealed.

c) That Section 1 (d) of Chapter 342 of the Public-Local Laws of 1933 be, and the same hereby is, repealed.

Compensation for collecting taxes.

SEC. 6. That the Sheriff of Richmond County shall receive two per centum (2%) of all taxes collected by him except Schedule B license taxes of which he shall receive five per centum (5%).

Miscellaneous fees and expenses.

SEC. 7. That all other fees and expenses of the Sheriff of Richmond County for services mentioned in Section 162-6 of the General Statutes of North Carolina shall be and remain the same as is now provided in said Section, except as is provided by Chapter 358 of the Public-Local Laws of 1935 and Section 1 (a), 1 (b), 1 (c) and Sections 2 and 3 of Chapter 342 of the Public-Local Laws of 1933.

G. S., 2-26, amended as to fees of Clerk Superior Court, Richmond County.

SEC. 8. That Section 2-26 of the General Statutes of North Carolina be, and the same hereby is, amended so that the fees of the Clerk of the Superior Court of Richmond County shall be the following:

Advertising and selling under mortgage in lieu of bond, two dollars ($2.00) for sales of real estate, and one dollar ($1.00) for sales of personal property.

Schedule of fees for Clerk

Affidavits, including jurat and certificate, twenty-five cents (25c).

Appeal from justice of the peace, or from any court inferior to the Superior Court, one dollar ($1.00).

Schedule of fees of Clerk, continued.

Appeal from clerk to judge, one dollar ($1.00).

Appeal to the Supreme Court, including certificate and seal, two dollars and fifty cents ($2.50).

Appointing and qualifying justice of the peace, to be paid by the justice, twenty-five cents (25c).

Attachment, order in, sixty-five cents (65c).

Auditing account of receiver, executor, administrator, guardian, or other trustee required to render accounts, if not over three hundred dollars ($300.00), sixty cents (60c); if over three hundred dollars ($300.00) and not exceeding one thousand dollars ($1,000.00), one dollar ($1.00); if over one thousand dollars ($1,000.00), one dollar and twenty-five cents ($1.25).

Auditing final settlement of receiver, executor, administrator, guardian, or other trustee required to render accounts, one-half of one per cent (.5%) for receipts not exceeding two thousand dollars ($2,000.00) and one-half of one per cent (.5%) on disbursements not exceeding two thousand dollars ($2,000.00); and for all sums in excess of two thousand dollars ($2,000.00) of receipts and in excess of two thousand dollars ($2,000.00) of disbursements, one-tenth of one per cent (.1%).

Auditing and recording the final account of commissioners appointed to sell real estate, and of trustees and mortgagees when sales are made under a power contained in the instrument, one-half (½) of the fees allowed for auditing and recording final accounts of executors.

Preparing bill of costs, seventy-five cents (75c).

Bonds of undertaking, including justification, one dollar ($1.00).

Capias, each defendant, one dollar and twenty-five cents ($1.25).

Caveat to a will, entering and docketing same for trial, one dollar ($1.00).

Certificate (including certificate of indictment), sixty cents (60c).

Commission, issuing, ninety cents (90c).

Continuance, in criminal cases, fifty cents (50c) for each defendant, and seventy-five cents (75c) in civil cases.

Docketing ex parte proceedings, one dollar and twenty-five cents ($1.25).

Schedule of fees of Clerk, continued.

Docketing indictments, thirty-five cents (35c).

Docketing liens, one dollar and fifty cents ($1.50).

Docketing warrant, thirty-five cents (35c).

Docketing summons, sixty-five cents (65c).

Docketing judgment in civil and criminal cases, sixty-five cents (65c).

Execution and return thereon, including docketing, one dollar ($1.00); and certifying return to any county where judgment is docketed, twenty-five cents (25c).

Filing all papers, fifty cents (50c) for each case.

Guardian, appointment of, including taking bond and justification and issuing letters, two dollars and fifty cents ($2.50).

Guardian ad litem, or next friend, appointment of, one dollar and twenty-five ($1.25).

Impanelling jury, ten cents (10c).

Indexing judgment on cross-index book, thirty-five cents (35c) for the judgment regardless of the number of parties.

Indexing liens on lien book, ten cents (10c).

Indexing lis pendens, ten cents (10c).

Indictment, each defendant in the bill, one dollar and twenty-five cents ($1.25).

Injunction, order for, including taking bond or undertaking and justification, one dollar ($1.00).

Judgment, final, in term time or before the clerk in civil actions, one dollar and twenty-five cents ($1.25).

Judgment, final, against each defendant in criminal actions, one dollar and twenty-five cents ($1.25).

Judgment by confession, without notices, all services, three dollars ($3.00).

Judgment in favor of widow for year's support, fifty cents (50c); for docketing same, twenty-five cents (25c).

Judgment nisi entered against a defaulting defendant in a criminal action, or against a defaulting witness or juror in a civil or criminal court, one dollar ($1.00).

Juror ticket, including jurat, ten cents (10c).

Schedule of fees of Clerk, continued.

Justification of sureties on any bond or undertaking, except as otherwise provided, each, sixty-five cents (65c).

Letters of administration, including bond, justification of sureties, and letters, two dollars and fifty cents ($2.50).

Letters testamentary, including probate of will in common form, two dollars and fifty cents ($2.50).

Letters of adoption, including recording fee, same as special proceedings.

Motions, entry and record of, in civil actions, each fifty cents (50c); in criminal actions, each, twenty-five cents (25c).

Notices, twenty-five cents (25c); for each name over one on the same paper ten cents (10c) additional.

Notifying solicitors of removal of guardian, one dollar ($1.00).

Order enlarging time for pleading in civil actions and special proceedings, and all other interlocutory orders therein, fifty cents (50c).

Order of arrest, each defendant, one dollar and twenty-five cents ($1.25).

Order for registration of a deed or other writing (except a chattel mortgage) which has been proved or acknowledged before a judge, justice of the peace, notary public, or other officer, twenty-five cents (25c).

Postage, actual amount necessarily expended.

Presentment, each person presented, ten cents (10c).

Probate of a lien bond, chattel mortgage, or lien bond and chattel mortgage combined, or order for the registration of a lien bond, chattel mortgage, or lien bond and chattel mortgage combined which has been proved or acknowledged before any judge, justice of the peace, notary public, or other officer, twenty-five cents (25c).

Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate, twenty-five cents (25c).

Probate of a deed or other writing, acknowledged by the signers or makers, including the certificate, twenty-five cents (25c) for each person acknowledging same.

Probate of limited partnership, sixty cents (60c).

Schedule of fees of Clerk, continued.

Qualifying justice of the peace, to be paid by the justice, twenty-five cents (25c).

Qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents (25c).

Recognizance, each party where no bond is taken, twenty-five cents (25c).

Recording and copying papers, per copy sheet of one hundred words, twenty-five cents (25c).

Recording names, qualification, and expiration of term of office, of justices of the peace, five cents (5c) for each name.

Registering trained nurses, including certificates of registration, fifty cents (50c).

Recording certificates of incorporation, four dollars ($4.00).

Recording names of jurors as required by law, ten cents (10c) for each name.

Resignation of guardian, relinquishment of right to administer or to qualify as executor, receiving, filing and noting same, thirty cents (30c).

Registering physician, including certificate of registration, fifty cents (50c).

Registering dentist, including certificate of registration, fifty cents (50c).

Registering chiropractor, including certificate of registration, fifty cents (50c).

Registering optometrist, including certificate of registration, fifty cents (50c).

Seal of office, when necessary, twenty-five cents (25c).

Subpoena, each name, twenty-five cents (25c).

Summons in civil actions or special proceedings, including all names therein, one dollar and twenty-five cents ($1.25), and for every copy thereof, thirty cents (30c).

Transcript of judgment, seventy-five cents (75c); with certificate and seal, one dollar ($1.00).

Transcript of any matter of record or papers on file, per copy sheet of one hundred (100) words, twenty-five cents (25c).

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Warrant, issuing, one dollar and twenty-five cents ($1.25). Schedule of fees of Clerk, continued.

Witness ticket, including jurat, ten cents (10c).

Five per cent (5%) on all fines, penalties, amercements and taxes paid the clerk by virtue of his office; and four per cent (4%) on all sums of money not exceeding five hundred dollars ($500.00) placed in his hands by virtue of his office, except on judgments, decrees and executions; and upon the excess over five hundred dollars ($500.00) of such sums, one per cent (1%).

For making up and certifying criminal statistics to the Attorney General, twenty-five cents (25c) for each defendant.

For making up certificates to the Highway Safety Division of motor vehicle violations, including seal, fifty cents (50c).

For making up dockets, keeping the records, and transcribing the records of the court, ninety dollars ($90.00) for each term of court, to be paid out of the general county fund.

SEC. 9. That the Clerk of the Superior Court of Richmond County is authorized to collect as advance court costs in all suits started in any court the sum of ten dollars ($10.00) for one defendant, and one dollar and fifty cents ($1.50) for each additional defendant, which fees shall include any process tax or tax on suits and sheriff's fees. Advance court costs.

SEC. 10. The Clerk of the Superior Court of Richmond County is authorized to collect from the appellant in all cases in appeals from justice of the peace courts to the Superior Court four dollars ($4.00) as advance costs to be applied on the court costs, including the process tax. Advance costs required in appeals.

SEC. 11. That Section 2-27 of the General Statutes of North Carolina be, and the same hereby is, amended by striking therefrom the word "Richmond." G. S., 2-27, relating to clerk's fees amended to exempt Richmond County.

That all laws and clauses of laws in conflict herewith are repealed, except the provisions of Chapter 358 of the Public-Local Laws of 1935 and Sections 1 (a), 1 (b), 1 (c), Section 2 and Section 3 of Chapter 342 of the Public-Local Laws of 1933 which shall be and remain in full force and effect. Conflicting laws.

SEC. 13. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 359 CHAPTER 236

AN ACT TO AMEND SECTION 65-3 OF THE GENERAL STATUTES SO AS TO AUTHORIZE COUNTY COMMISSIONERS TO APPOINT TRUSTEES FOR ABANDONED CEMETERIES.

The General Assembly of North Carolina do enact:

G. S., 65-3, amended.

SECTION 1. Section 65-3 of the General Statutes is hereby amended by adding a new paragraph to read as follows:

County Commissioners authorized to designate trustees for abandoned cemeteries.

The board of county commissioners of the various counties may appoint a board of trustees not to exceed five in number and to serve at the will of the board, and may impose upon such trustees the duties required of the board of commissioners by this Article; and such trustees may accept gifts and donations for the purpose of upkeep and beautification of such cemeteries.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 372 CHAPTER 237

AN ACT TO AMEND SECTION 28-68 OF THE GENERAL STATUTES RELATIVE TO PAYMENT OF THE CLERK OF THE SUPERIOR COURT OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS DUE AND OWED INTESTATES.

The General Assembly of North Carolina do enact:

G. S., 28-68, amended to provide payment of small sums due intestates to C. S. C., Northampton County.

SECTION 1. Section 28-68 of the General Statutes is amended by adding at the end thereof after the word "Lenoir" the word "Northampton."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

H. B. 404 **CHAPTER 238**

AN ACT TO REQUIRE A DEPOSIT WITH THE CLERK OF SUPERIOR COURT BY PROFESSIONAL BONDSMEN WRITING BAIL BONDS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Deposit with C. S. C., required of professional bondsmen, Randolph County.

SECTION 1. All persons, firms, or corporations writing, signing, or otherwise furnishing bail bonds for appearances in any court of Randolph County, shall deposit in the office of the Clerk of Superior Court of Randolph County, the sum of two thousand dollars ($2,000.00) in cash or negotiable securities to guarantee performance pursuant to the terms of any bail bond upon which a judgment absolute has been rendered.

"Professional Bondsmen," defined.

SEC. 2. This Act shall apply only to professional bondsmen whether persons, firms, or corporations and the term "professional bondsmen" shall be construed to mean any person, firm, or corporation making a charge for the furnishing of such bond or other obligation guaranteeing appearance in criminal cases.

Violations made misdemeanor.

SEC. 3. Any professional bondsmen as defined above violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars ($50.00) or imprisoned not more than thirty days.

Application of Act.

SEC. 4. The provisions of this Act shall apply only to Randolph County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1947.

S. B. 157 **CHAPTER 239**

AN ACT TO PROVIDE FOR THE DISPOSITION AND SALE OF PUBLIC SCHOOL PROPERTY IN MOORE COUNTY WHICH HAS BECOME UNNECESSARY FOR PUBLIC SCHOOL PROPERTIES OR HAS CEASED TO BE USED FOR SUCH PURPOSES.

The General Assembly of North Carolina do enact:

Board of Education, Moore County, declared administrative agent of certain school properties.

SECTION 1. The Board of Education of Moore County is hereby created and declared to be the administrative agent for all the purposes of this Act for the handling of all public school

houses, public school house sites, and other public school property situate in Moore County, title to which has heretofore been conveyed to, or is now held by, any school committee, school trustees, or other persons or boards designated by other near similar names except such public school properties which are located in, and belong to, what is usually known and designated as chartered school districts, city administrative units, or county administrative units.

Board authorized to sell certain properties deemed unnecessary for public school purposes.

SEC. 2. When in the opinion of said Board of Education of Moore County, any such public school houses, public school sites, or other public school property has become unnecessary for public school purposes or has ceased to be used as such, the said Board of Education of Moore County may sell the same in the manner provided and designated in Section 115-86 of the General Statutes of North Carolina; and for all the purposes of this Act the title to any such public school property shall vest in the Board of Education of Moore County. The finding by said Board of Education of Moore County that any such public school property has become unnecessary for public school purposes shall be irrebuttably conclusive of such fact.

Findings of Board conclusive.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

S. B. 162 **CHAPTER 240**

AN ACT TO ALLOW THE VOTERS OF IREDELL COUNTY TO EXPRESS THEIR WILL AS TO THE LENGTH OF THE TERMS OF CERTAIN COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Terms of office, certain county officials, Iredell County, submitted to voters.

SECTION 1. At the next general election to be held in Iredell County in 1948, there shall be submitted to the qualified voters of said county the question as to extension of the terms of office from two years to four years of the Register of Deeds, County Surveyor, the Members of the Board of County Commissioners, the Judge and the Solicitor of Recorder's Court. At said election those in favor of said extension shall vote a ballot on which are the words "for four year terms for County Officers," and those opposed to extension shall vote a ballot on which are the words "against four year terms of County Officers."

SEC. 2. If at said election a majority of the votes cast on the foregoing subject be "for four year terms of County Officers" then the above officers elected at the general election to be held in Iredell County in 1950 shall serve for terms of four years each, and their successors, thereafter elected, shall have like terms. Four-year terms upon affirmative vote.

SEC. 3. If at said election a majority of the votes cast shall be "against four year terms of County Officers" then the above officers elected at the general election in Iredell County in 1950 shall serve for terms of two years each, and their successors, elected thereafter, shall serve for like terms. Two-year terms upon negative vote.

SEC. 4. If for any cause the election provided for in Sec. 1. of this Act is not called or held, then, and in such event, the above officers elected at the general election to be held in Iredell County in 1950 shall serve for terms of two years each, and their successors, elected thereafter, shall serve for like terms. Two-year terms if election not held.

SEC. 5. This Act shall in no way effect the present terms of the officers named in Sec. 1. of this Act. Present terms unaffected.

SEC. 6. All laws and clauses of laws, and particularly the provisions of Chapter 266 of the Session Laws of 1943, inconsistent with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

S. B. 178 CHAPTER 241

AN ACT APPLICABLE ONLY TO THE CITY OF SALISBURY IN ROWAN COUNTY PROVIDING FOR THE DISTRIBUTION OF FUNDS RECEIVED FROM PARKING METERS.

The General Assembly of North Carolina do enact:

SECTION 1. The net proceeds received by the City of Salisbury from the operation of parking meters in said city may be used for the establishment, operation, and maintenance of a recreational program for the City of Salisbury. Use of funds from parking meters for recreational program, City of Salisbury.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

S. B. 195 **CHAPTER 242**

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN SO AS TO DESIGNATE THE CLERK TO THE BOARD OF COMMISSIONERS CITY CLERK.

The General Assembly of North Carolina do enact:

Clerk to Board of Commissioners, City of Kings Mountain, designated as City Clerk.

SECTION 1. That the Clerk to the Board of Commissioners for the City of Kings Mountain shall be known and designated as City Clerk and wherever the words "Clerk to the Board of Commissioners" or "the Secretary to the Board" or "Town Clerk" are used in the charter of the City of Kings Mountain and all amendments thereto or in any other Public-Local or Private Acts, the same is hereby amended by substituting in lieu thereof the words "City Clerk."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 264 **CHAPTER 243**

AN ACT RELATING TO APPOINTMENT OF THE OFFICIALS OF THE TOWN OF GODWIN IN CUMBERLAND COUNTY BY AMENDING CHAPTER 397 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Ch. 397, Private Laws, 1905, amended.

SECTION 1. That Sections 3 and 5 of Chapter 397 of the Private Laws of 1905 be repealed and there be inserted in lieu thereof the following:

Election of officers, Town of Godwin.

Sec. 3. The officers of the said Town of Godwin shall consist of a mayor and three commissioners, who shall be elected on the first Monday in May, 1949, and annually thereafter under the

laws of North Carolina regulating elections in towns and cities. Until said officers are elected on the first Monday in May, 1949, and are qualified, J. Edgar Lucus shall hold office as mayor and I. L. Lamm, A. M. Wade, Jr., and Mrs. Miriam Braxton shall constitute the board of commissioners of said town, and they shall qualify for their respective offices within ten (10) days after the ratification of this Act and serve until their successors are elected and qualified. The commissioners shall appoint on the first Monday in May, 1949, a chief of police and a clerk-treasurer, and may impose upon the chief of police the duties of collecting the town taxes. Until their successors are appointed by the commissioners elected on the first Monday in May, 1949, Charlie Johnson shall be chief of police with the duties of tax collector, and Mrs. C. W. Spell shall serve as clerk-treasurer. In the event a vacancy occurs in the membership on the board of commissioners, or if one of those names herein shall fail to qualify, the remainder of the board may fill the vacancy. The board shall likewise fill any vacancy in the office of clerk-treasurer and chief of police as tax collector.

Appointment of officers pending election.

Appointment of chief of police and clerk-treasurer.

Vacancies on Board of Commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 311 **CHAPTER 244**

AN ACT TO AMEND CHAPTER 345 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE ADMINISTRATION OF THE GOVERNMENT OF THE TOWN OF BURNSVILLE IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 5 of Chapter 345 of the Public-Local Laws of 1937 be, and the same is hereby, amended to read as follows:

Ch. 345, Public-Local Laws, 1937, amended.

Section 5. If the office of a commissioner shall become vacant by reason of death, resignation, impeachment or other cause, such vacancy shall be filled for the unexpired term by the remaining members of the board of commissioners.

Appointment of commissioner in event of vacancy, Town of Burnsville.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 333 CHAPTER 245

AN ACT TO DIVIDE PENDER COUNTY INTO FIVE DISTRICTS FOR THE PURPOSE OF THE ELECTION OF COUNTY COMMISSIONERS AND TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

Pender County divided into five districts, for election of County Commissioners.

SECTION 1. For the purpose of electing its county commissioners, the County of Pender is hereby divided into five districts, as follows:

(1) District 1 shall consist of Burgaw Township.

(2) District 2 shall consist of Holly and Topsail Townships.

(3) District 3 shall consist of Rocky Point, Long Creek and Caintuck Townships.

(4) District 4 shall consist of Grady, Caswell and Columbia Townships.

(5) District 5 shall consist of Union Township.

Nomination of candidates from each district.

SEC. 2. In all primary elections held hereafter for the nomination of candidates for members of the Board of Commissioners for Pender County, one candidate from each district of the five districts described in Section 1 of this Act shall be nominated by each political party for the office of County Commissioner in Pender County: *Provided, however*, that in any primary election the qualified voters of the entire county shall vote for the candidates from all five districts. Each candidate from each political party who receives a majority of the votes of the votes cast for candidates from his district shall be declared to be the nominee for his political party from such district.

Election by voters of the entire county.

SEC. 3. The candidates nominated from each district shall be voted on in the general elections held hereafter for the election of members of the Board of Commissioners for Pender County by the qualified voters of the entire county, and the candidate from each district who shall receive the highest number of votes

of the votes cast for candidates from his district shall be declared elected to serve as a member of the board of county commissioners.

Qualifications of candidates.

SEC. 4. All persons becoming candidates for nomination and election as members of the board of commissioners shall have the qualifications now provided by law and shall be residents of the district in which such persons are candidates.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 384 **CHAPTER 246**

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF MUNICIPALITIES OF TRANSYLVANIA COUNTY NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

G. S., 160-25, amended. Certain officers of municipalities, Transylvania County, not required to be qualified voters therein.

SECTION 1. That the provisions of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshals or other officers or employees of any municipality in Transylvania County, except that the mayor and the members of the board of aldermen shall be qualified voters of the municipality of which they are elected officials.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 393 **CHAPTER 247**

AN ACT TO AUTHORIZE THE CONVEYANCE BY LENOIR COUNTY OF ITS UNDIVIDED INTEREST IN CERTAIN LAND TO THE CITY OF KINSTON.

Preamble:

Joint ownership by Lenoir County and City of Kinston of a certain lot.

WHEREAS, the County of Lenoir and the City of Kinston own a certain lot of land in the City of Kinston fully described in Book 180, page 283, Lenoir County Registry, which is suitable for the construction, maintenance, equipment and operation of recreational facilities for the use and benefit of citizens and residents of Lenoir County residing both within and without the corporate limits of the City of Kinston; and

Interest of county in lot.

City of Kinston has agreed to maintain recreational facilities on lot.

WHEREAS, the undivided interest of Lenoir County in said land is thirty-five one hundredths thereof, and by resolution of the City Council of the City of Kinston, the said city has agreed to construct, equip, maintain and operate on said lot of land suitable recreational facilities, including playgrounds and a park, all at the cost and expense of the City of Kinston; and

Deemed advisable for county to convey its interest in such lot to City of Kinston.

WHEREAS, in the judgment of the Board of Commissioners of Lenoir County, it is to the best interest of the citizens of Lenoir County that it convey its interest in said land to the City of Kinston solely in consideration of said agreement by the City of Kinston to construct, maintain, equip and operate on said land suitable recreational facilities, and without monetary consideration: *Now, therefore,*

The General Assembly of North Carolina do enact:

Conveyance of interest of county in said lot to City of Kinston, authorized.

SECTION 1. That the County of Lenoir be and it is hereby authorized and empowered to convey its undivided thirty-five one hundredths interest in the said lot of land to the City of Kinston without consideration other than the agreement hereinbefore mentioned and as contained in the aforesaid resolution, and to that end the County Commissioners of Lenoir County shall have full power to authorize the conveyance of the county's interest in said lot of land to the City of Kinston by good and sufficient deed in fee simple, to be executed in the name of said county by the chairman of said board of commissioners and attested by the register of deeds of said county as ex officio secretary to the said board, under the official seal of said board, and duly acknowledged and probated as by law provided.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 405 **CHAPTER 248**

AN ACT REPEALING CHAPTER 17, PUBLIC-LOCAL LAWS OF 1933.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 17, Public-Local Laws of 1933, pertaining to the filling of vacancies occurring in the Board of County Commissioners of Randolph County be, and the same is hereby, repealed.

Ch. 17, Public-Local Laws, 1933, relating to vacancies, Board of Commissioners, Randolph County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 406 **CHAPTER 249**

AN ACT PROVIDING FOR A CLERK OF THE RECORDER'S COURT FOR CLEVELAND COUNTY AND AMENDING CHAPTER 454 OF THE PUBLIC-LOCAL LAWS OF 1931.

The General Assembly of North Carolina do enact:

SECTION 1. Sections 3 and 4 of Chapter 454 of the Public-Local Laws of 1931 are repealed and rewritten to read as follows:

Ch. 454, Public-Local Laws, 1931, amended.

Garland Roberts shall serve as Clerk to the Recorder's Court of Cleveland County until the first Monday in December, 1947, or until his successor is named and qualified, at the same salary he is now receiving as clerk to said court. On the first Monday of December, 1947, and annually thereafter, the Board of County Commissioners of Cleveland County, upon the recommendation of the judge of said court, shall appoint a Clerk to the Recorder's Court of Cleveland County who shall serve for a term of one year and until his successor is appointed and qualified, and shall receive a salary to be fixed by the Board of County Commissioners of Cleveland County. He shall attend the sittings of said court, shall keep a permanent record of the daily minutes of all the proceedings of said court, which minutes shall be signed and approved by the recorder, he shall be the custodian of all the warrants, processes, papers, and records of said court, he shall collect all fines, costs, and forfeitures due by order of said court and shall make proper distribution of same as re-

Appointment of clerk to Recorder's Court, Cleveland County.

Subsequent appointments.

Salary and term of office.

Duties of clerk.

quired by law, and he shall do and perform generally all the other duties of clerk to said court; and he is hereby granted the right, power, and authority to issue warrants and all other processes of the recorder's court.

Sec. 5, amended as to authority of Deputy Clerk.

SEC. 2. Section 5 of Chapter 454 of the Public-Local Laws of 1931 is amended by striking out the words "the deputy clerk" in line 7.

Sec. 6, amended as to records of the Court.

SEC. 3. Section 7 of said Chapter 454 is amended by striking out the word "for" in line 9, and inserting a period after the word "court" in line 10, and striking out the remainder of said Section.

Bond required of clerk of Recorder's Court.

SEC. 4. The Clerk of the Recorder's Court for Cleveland County shall be required to furnish a bond in the sum of five thousand dollars ($5,000.00) and the premium on said bond shall be paid by the county.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 410 CHAPTER 250

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO AMEND ITS BUDGET TO PROVIDE FOR INCREASED PAY TO CERTAIN SCHOOL TEACHERS AND EMPOYEES.

The General Assembly of North Carolina do enact:

Board of Commissioners, Alamance County, authorized to provide increase in salaries of school teachers paid by county.

SECTION 1. That the Board of Commissioners of Alamance County is hereby authorized and empowered to amend its budget and appropriation as heretofore adopted for the fiscal year 1946-1947, so as to make available to the Board of Education of Alamance County and the Board of Trustees of the Burlington Administrative Unit seven thousand eight hundred four dollars and thirty-four cents ($7,804.34), so as to increase the salaries of those teachers and school employees in Alamance County that are paid by Alamance County in proportion to the recent increase in salaries paid by the State of North Carolina to the teachers and school employees that are paid by the State, and

if necessary, to make such funds available, the Board of Commissioners of Alamance County are authorized and empowered to borrow said sum from any surplus funds in the general fund of Alamance County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 435 **CHAPTER 251**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF TAYLORSVILLE TO SELL LAND AT PRIVATE SALE TO THE AMERICAN LEGION, VETERANS OF FOREIGN WARS, BOY SCOUT AND GIRL SCOUT ORGANIZATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the Town of Taylorsville is hereby fully authorized and empowered to sell at private sale any real estate owned by the town and not used for governmental purposes to the Taylorsville American Legion Post, Veterans of Foreign Wars, and Boy Scout and Girl Scout Organizations at such purchase price, either nominal or reasonable as the board may desire. Private sale of certain properties, Town of Taylorsville, to patriotic organizations authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 442 **CHAPTER 252**

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY TO REQUIRE AUDITS OF ALL PUBLIC RECORDS OF THE COUNTY AND TO POST A COPY THEREOF AND OF THE MINUTES AT THE COURT HOUSE DOOR.

The General Assembly of North Carolina do enact:

Audit of public records of Dare County for fiscal year 1946-47, authorized.

SECTION 1. The Board of Commissioners of Dare County is authorized and directed to employ a certified public accountant who has no official connection with the county to make a complete audit of the records in the offices of the register of deeds, sheriff, Clerk of the Superior Court, superintendent of public instruction, and any and all other offices or departments of the county government for the fiscal year 1946-47, and said audit shall begin during the month of July, 1947. If, after said audit has been completed, the board of county commissioners considers it advisable, it may cause an audit to be made for the fiscal years 1945-46 or 1944-45, or both.

Audits for previous years to be made if advisable.

Annual audits authorized.

SEC. 2. The Board of County Commissioners of Dare County is authorized and directed to cause an annual audit to be made of the public records of the county and all departments of the county government for each fiscal year beginning with July 1st, 1947, and annually thereafter, and such audit shall be made by a certified public accountant who has no official connection with the county. A copy of such audit and of the audit authorized in Section 1 shall be posted on the bulletin board at the court house door and subject to public inspection, and a summary thereof shall be printed in some newspaper having a general circulation in the county.

Copy of audits to be posted.

Publication of summary of audit.

Copy of minutes of meetings of Board of Commissioners, Dare County, to be posted.

SEC. 3. The Board of County Commissioners and the County Board of Education of Dare County shall post a certified copy of the minutes of each meeting held by such boards on the bulletin board at the court house door within five days after such meetings.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 447 **CHAPTER 253**

AN ACT TO FIX CERTAIN RECORDING FEES OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Register of Deeds of Buncombe County shall charge fees for recording, indexing and cross-indexing various instruments, as follows: Schedule of fees of Register of Deeds, Buncombe County.

For chattel mortgages, conditional sales contracts and crop liens, the sum of fifty cents (50c) for each page; for deeds, leases, contracts, or any other instrument with the exception of chattel mortgages, conditional sales contracts, crop liens, service discharges and deeds of trust, the sum of one dollar ($1.00) for the first page and fifty cents (50c) for each additional page; for deeds of trust the sum of one dollar and twenty-five cents ($1.25) for the first two pages and fifty cents (50c) for each additional page. In addition to these charges, a transfer fee of fifteen cents (15c) shall be charged on each deed and also a fee of ten cents (10c) per name for each grantor and grantee indexed in excess of four for each deed. A page as referred to in this Act shall mean a photostatic page or a fraction thereof.

SEC. 2. This Act shall apply only to Buncombe County. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

H. B. 448 **CHAPTER 254**

AN ACT RELATING TO THE SIGNING OF PUBLIC DOCUMENTS, VOUCHERS AND OTHER OFFICIAL RECORDS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. No public record, document, and voucher required to be signed by any official of Currituck County shall be valid, legal and binding unless the same is actually signed by the official purporting to sign the same and in his own handwriting. One of the purposes of this Act is to prohibit the use of facsimile signatures in Currituck County. Use of facsimile signatures on public records and vouchers, Currituck County, prohibited.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1947.

S. B. 98 **CHAPTER 255**

AN ACT RELATIVE TO THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 149, Private Laws, 1931; Ch. 125, Private Laws, 1935; Ch. 114, Public-Local Laws, 1937; Ch. 85, Public-Local Laws, 1939; and Ch. 260, Public-Local Laws, 1941, amended.

SECTION 1. That Section 3 of Chapter 149 of the Private Laws of 1931, Chapter 125 of the Private Laws of 1935, Chapter 114 of the Public-Local Laws of 1937, Section 1 of Chapter 85 of the Public-Local Laws of 1939, and Section 2 of Chapter 260 of the Public-Local Laws of 1941, be, and the same are hereby, amended so as to read as follows:

Designation of Asheville School Board.

Members.

Terms of office.

That said Asheville Local Tax School District shall have a board of committeemen, known and designated as the Asheville School Board, composed of five members, and that Dr. Westbrook Murphy, Mrs. Frank Bell, Beaman Pinner, Gene Ochsenreiter, and Pierce Henderson, be, and they are hereby, appointed as members of said Asheville School Board, whose term of office shall begin on the first day of April, 1947, and they shall hold office as such until their successors are duly elected, or appointed, and qualified, as provided by law.

Ch. 149, Private Laws, 1931, further amended.

SEC. 2. That Section 11 of Chapter 149 of the Private Laws of 1931, as the same has been amended by Section 1 of Chapter 260 of the Public-Local Laws of 1941, be and the same is hereby further amended so as to read as follows:

Term of office of newly appointed Board.

Appointment of successors.

The term of said school board named in Section 3 shall begin on the first day of April, 1947, and shall extend for a period of two years from and after said date or until their successors are elected and qualified. The governing body of the City of Asheville shall during the month of March, 1949, and in each biennial year thereafter, appoint the successors to said board, who shall serve for a period of two years from and after the first day of April in the year in which they are appointed or until their successors are appointed and qualified as provided by law.

Qualifications of members.

All members of said board shall be residents of the City of Ashe-

ville and shall be persons known to be in favor of public education and interested in the welfare of the schools and shall be appointed by the governing body of the City of Asheville with the sole object in view of maintaining the efficiency of the schools of said district and without any partisan prejudice or bias. If any vacancy in the membership of said board occurs by reason of death or resignation or otherwise the governing body of the City of Asheville shall fill the same by appointment. As soon as practicable after the first day of April, 1947, and each biennial year thereafter, said board shall meet and elect a chairman, who shall preside over the meetings of said board. A majority of the members of said board shall constitute a quorum and the chairman or any two members may call a meeting. The members of the board shall serve without compensation.

Vacancy appointments.

Election of chairman.

Quorum.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 127 CHAPTER 256

AN ACT TO AMEND SECTION 113-238 OF THE GENERAL STATUTES RELATING TO TAKING OF SHRIMP BY NON-RESIDENTS AND AUTHORIZING RECIPROCAL AGREEMENTS WITH OTHER STATES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 113-238 of the General Statutes is hereby amended by adding at the end thereof the following:

G. S., 113-238, prohibiting the taking of shrimp by non-residents, amended.

Provided, that the Board of Conservation and Development may enter into reciprocal agreements with neighboring coastal states.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 138 CHAPTER 257

AN ACT TO AMEND CHAPTER 447 OF THE PRIVATE LAWS OF 1907 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF CASTALIA IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Ch. 447, Private Laws, 1907, amended.

SECTION 1. Section 1 of Chapter 447 of the Private Laws of 1907 relating to the corporate limits of the Town of Castalia in Nash County be, and the same is, hereby amended to read as follows:

Corporate limits, Town of Castalia, Nash County, redefined.

Beginning at a point in the center of the Louisburg Road 3,200 feet northwest from the intersection of Main and Peachtree Streets, thence southeast to a point in the center of the Spring Hope Road, which said point is 2,400 feet southwest of the intersection of Main and Peachtree Streets, thence southeast to a point in the center of the Nashville Road which said point is 3,200 feet southeast of the intersection of Main and Peachtree Streets, thence northwest to a point in the center of the Red Road, which said point is 2,400 feet northeast of the intersection of Main and Peachtree Streets, thence northwest to the point of the beginning.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 142 CHAPTER 258

AN ACT TO AMEND CHAPTER 50 OF THE PRIVATE LAWS OF 1935 RELATING TO THE CIVIL SERVICE STATUS OF THE CHIEF OF POLICE OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Ch. 50, Private Laws, 1935, amended.

SECTION 1. Chapter 50 of the Private Laws of 1935, is hereby amended by adding at the end of Section 7 thereof the following:

Right of Chief of Police, City of Raleigh, to return to former status in ranks of department.

In the event the chief of police has been, or is hereafter, appointed or elected from the ranks of the police department, it shall be his right and privilege, subject to the limitations hereafter set out in this Section, to return at any time to employment in the ranks of the department at the same rating held by him at the time of accepting the position of chief of police.

Provided, that at the time of exercising the right to return to the ranks, any such chief of police must be in good standing, with no charges preferred by his chief administrative superior outstanding against him; and *provided further*, that such return to former status in the ranks of the department must have the approval of the Civil Service Commission of the City of Raleigh.

Qualification and approval of City Civil Service Commission.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 158 **CHAPTER 259**

AN ACT TO AMEND SECTION 135-6 OF THE GENERAL STATUTES, RELATING TO MEMBERSHIP ON THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Paragraph (c) of Subsection (2) of Section 135-6 of the General Statutes of North Carolina is hereby amended as follows:

G. S., 135-6, Subsection (2), amended to increase membership of Board of Trustes of Teachers' and State Employees' Retirement System.

(1) By striking out the word "Five" in the first line of said paragraph (c) and inserting in lieu thereof the word "Six"; and

Amend Subsection (2) of Section 135-6 of the General Statutes of North Carolina in the second line thereof by changing the word "seven" to "eight"; and

(2) By inserting at the end of the fourth line of said paragraph (c) the words "one of the appointive members shall be an employee of the State Highway and Public Works Commission, who shall be appointed by the Governor for a term of four years commencing April 1st, 1947 and quadrennially thereafter;".

One member of Board to be an employee of State Highway and Public Works Commission.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 168 CHAPTER 260

AN ACT TO REGULATE EMPLOYMENT OF CERTAIN PERSONS BY BUNCOMBE COUNTY OR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Regulation of employment of election officials by Buncombe County or City of Asheville.

SECTION 1. No person who serves as a member of any Buncombe County or City of Asheville Board of Elections at the time of an election or who serves as an election official in Buncombe County or City of Asheville election, and no husband or wife of any such person, shall be employed by, or placed on the payroll of, or, (if already on the payroll) retained on the payroll, of Buncombe County or the City of Asheville at any time within six months after such person or the husband or wife of such person has served as an election official or as a member of a Board of Elections in Buncombe County or the City of Asheville.

"Election officials" defined.

SEC. 2. For the purpose of this Act election officials shall include registrars, judges, markers, bailiffs, clerks and members of any city or county board of elections.

"Election" defined.

SEC. 3. Election, as used in this Act, shall include any and every kind of election held in the City of Asheville or Buncombe County, whether primary, general, special, municipal, county or State.

Violations made misdemeanor.

SEC. 4. Any person who employs for, or places on the payroll of, Buncombe County or the City of Asheville, or pays out county or city funds as salary or wages to, any person who is prohibited from being employed under the provisions of Section 1 of this Act, and any person who, while prohibited from being employed by, or on the payroll of, Buncombe County or the City of Asheville under the provisions of Section 1 of this Act, receives any county or city funds as salary or wages, and any person who violates any provision of this Act in any other manner shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Application of Act.

SEC. 5. This Act shall not apply to any election held prior to its ratification, but shall apply only with respect to elections held after its ratification.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 192 **CHAPTER 261**

AN ACT SETTING FORTH THE QUALIFICATIONS FOR HOLDING OFFICE IN THE CITY OF STATESVILLE AND PROVIDING THE METHOD OF ELECTING ALDERMEN IN THE SEVERAL WARDS OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Qualification for elective office, City of Statesville.

SECTION 1. Any qualified voter shall be eligible to hold any elective office in the City of Statesville.

Election of aldermen, City of Statesville.

SEC. 2. When there are more than two candidates for the office of alderman in any ward of the City of Statesville, and there exist two vacancies in said office, regardless of the cause of, or reason for, said vacancy, the two candidates receiving the highest number of votes shall be declared nominated and/or elected.

SEC. 3. This Act shall become effective upon ratification.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 41 **CHAPTER 262**

AN ACT PROVIDING FOR THE SEGREGATION OF YOUTHFUL FIRST OFFENDERS WHO ARE ASSIGNED TO IMPRISONMENT IN THE STATE PRISON OR TO JAIL TO WORK UNDER THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

G. S., Art. 21, Ch. 15, providing for segregation of youthful offenders, enacted.

SECTION 1. Chapter 15 of the General Statutes of North Carolina is hereby amended by adding at the end of the Chapter an Article as follows:

Art. 21. Segregation of Youthful Offenders.

G. S., 15-210, purpose of Article.

Sec. 15-210. Purpose of Article. It is the purpose of this Article to improve the chances of rehabilitation of youthful offenders sentenced to imprisonment by preventing, as far as practicable, their association during their terms of imprisonment with older and more experienced criminals.

G. S., 15-211, "youthful offender" defined.

Sec. 15-211. Definition of "youthful offender." As used in this Article a "youthful offender" is a person

(1) Who, at the time of imposition of sentence, is less than twenty-one years of age, and

(2) Who has not previously served a term or terms or parts thereof totaling more than six months in jail or other prison.

G. S., 15-212, sentence of youthful offenders.

Sec. 15-212. Sentence of youthful offenders. Any judge of any court who sentences a youthful offender to imprisonment in the State Prison or to jail to be assigned to work under the State Highway and Public Works Commission, if in his opinion such person will be benefited by being kept separate, while performing his sentence, from prisoners other than youthful offenders, shall, as a part of the sentence of such person, provide that he shall be segregated as a youthful offender.

G. S., 15-213, segregation of youthful offenders, by State Highway and Public Works Commission.

Sec. 15-213. Segregation of youthful offenders. The State Highway and Public Works Commission shall segregate all youthful offenders whose sentences provide for such segregation and shall neither quarter nor work such prisoners, except in cases of emergency of when temporarily necessary, with other prisoners not coming within that classification.

(1) The State Highway and Public Works Commission shall, in so far as is possible, provide personnel specially qualified by training, experience and personality to operate units that may be set up to effect the segregation provided in this Article.

G. S., 15-214, extension of provisions of act to persons sentenced prior to July 1st, 1947.

Sec. 15-214. Extension to persons sentenced prior to July 1st, 1947.

(a) The benefits of this Article, as far as practicable, shall also be extended to:

(1) All persons who on July 1st, 1947, shall be serving sentences in the State Prison or sentences to jail with assignment to work under the State Highway and Public Works Commission and

(2) All persons who shall be so sentenced prior to July 1st, 1947, even though they begin to serve such sentences after that date,

Provided such persons at the time of imposition of sentence came within the meaning of the term "youthful offender" as used in this Article.

(b) The State Highway and Public Works Commission shall determine which of the prisoners coming within the provisions of Subsection (a) of this Section will probably be benefited by being segregated as provided in Section 15-213, and such prisoners shall thereafter be so segregated as if their sentences so provided.

Sec. 15-215. Termination of segregation. The State Highway and Public Works Commission shall have authority to terminate the segregation as a youthful offender of any prisoner who, in the opinion of the commission, exercises a bad influence upon his fellow prisoners, or fails to take proper advantage of the opportunities offered by such segregation.

G. S., 15-215, grounds for termination of segregation.

Sec. 15-216. Persons to whom Article not applicable.

G. S., 15-216, persons to whom Article not applicable.

(a) Since offenders who may be sentenced to terms of less than six months, but who come within the meaning of the term "youthful offender" as used in this Article, may be placed upon probation if the judge imposing sentence is of the opinion that they may be rehabilitated, this Article shall not apply to any person sentenced for a term of less than six months.

(b) Since special provision has already been made for suitable quarters for women prisoners, and since judges may specifically assign women convicted of offenses to such quarters, this Article shall not apply to women.

SEC. 2. Section 148-44 of the General Statutes is hereby amended by striking out the words, "and, in so far as is practical to do so, shall provide for youthful convicts to segregate to themselves," and by inserting in lieu thereof the words, "and shall provide for segregation of youthful offenders as required by Sections 15-210 to 15-215."

G. S., 148-44, amended, to require segregation as provided.

SEC. 3. Sections 148-71 to 148-73, both inclusive, of the General Statutes are hereby repealed.

G. S., 148-71, 148-72 and 148-73, repealed.

SEC. 4. Effective date. This Act shall become effective July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 133 CHAPTER 263

AN ACT TO CREATE THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Title. This Act shall be known and may be cited as the North Carolina Wildlife Resources Law.

North Carolina Wildlife Resources Law.

SEC. 2. Definitions. As used in this Act unless the context clearly requires otherwise:

Definitions.

"Commission." (1) The word "Commission" shall mean the North Carolina Wildlife Resources Commission.

"Director." (2) The word "Director" shall mean the Executive Director of the North Carolina Wildlife Resources Commission.

"Wildlife Resources" and "Wildlife." (3) The terms "Wildlife Resources" and "Wildlife" shall mean and include game birds and other game animals, game and fresh-water fishes, fur bearing animals, song and insect-eating birds, non-game mammals and birds, and all other naturally wild acquatic and terrestial animals, except those species of fish and other wild acquatic animals which shall come under the classification of Commercial Fisheries.

Purpose of Act. SEC. 3. Statement of Purpose. The purpose of this Act is to create a separate State agency to be known as the North Carolina Wildlife Resources Commission, the function, purpose, and duty of which shall be to manage, restore, develop, cultivate, conserve, protect, and regulate the wildlife resources of the State of North Carolina, and to administer the laws relating to game, game and fresh-water fishes, and other wildlife exclusive of Commercial Fisheries, enacted by the General Assembly to the end that there may be provided a sound, constructive, comprehensive, continuing, and economical game, game fish, and wildlife program directed by qualified, competent, and representative citizens, who shall have knowledge of or training in the protection, restoration, proper use and management of wildlife resources.

Creation of Wildlife Resources Commission. SEC. 4. Creation of Wildlife Resources Commission. There is hereby created a commission to be known as the North Carolina Wildlife Resources Commission. The Commission shall consist of nine citizens of North Carolina, who shall be competent and qualified as herein provided, and who shall be appointed by the Governor. One and only one of the Commission members shall be appointed from each of the following geographical districts:

First District. First District to be composed of the following counties:

Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Tyrrell, Washington.

Second District Second District to be composed of the following counties:

Beaufort, Carteret, Craven, Duplin, Greene, Jones, Lenoir, Onslow, Pamlico, Pender, Pitt.

Third District. Third District to be composed of the following counties:

Edgecombe, Franklin, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wayne, Wilson.

Fourth District. Fourth District to be composed of the following counties:

Bladen, Brunswick, Columbus, Cumberland, Harnett, Hoke, New Hanover, Robeson, Sampson, Scotland.

Fifth District to be composed of the following counties: Fifth District.

Alamance, Caswell, Chatham, Durham, Granville, Guilford, Lee, Orange, Person, Randolph, Rockingham.

Sixth District to be composed of the following counties: Sixth District.

Anson, Cabarrus, Davidson, Mecklenburg, Moore, Montgomery, Richmond, Rowan, Stanly, Union.

Seventh District to be composed of the following counties: Seventh District.

Alexander, Alleghany, Ashe, Davie, Forsyth, Iredell, Stokes, Surry, Watauga, Wilkes, Yadkin.

Eighth District to be composed of the following counties: Eighth District.

Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Lincoln, McDowell, Mitchell, Rutherford, Yancey.

Ninth District to be composed of the following counties: Ninth District.

Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Polk, Swain, Transylvania.

Each member of the Commission shall be an experienced hunter, fisherman, farmer, or biologist, who shall be generally informed on wildlife conservation and restoration problems. Qualifications of commission members.

SEC. 5. Appointment of Commission Members. After passage of this Act and on or before the first day of July, 1947, the Governor shall appoint the members of the Commission as follows: Appointment of commission members.

Three members whose terms shall expire on the fourth Tuesday of January, 1949; three members whose terms shall expire on the fourth Tuesday of January, 1951; three members whose terms shall expire on the fourth Tuesday of January, 1953; as the said terms expire, and thereafter, all regular appointments to the Commission shall be for terms of 6 years each, *provided* that any member of the Commission appointed pursuant to this Section may be removed by the Governor for cause.

SEC. 6. Vacancies by Death, Resignation, Removal, or Otherwise. Vacancies in the Commission resulting from death, resignation, removal, or from any other cause, shall be filled by appointment by the Governor of a competent person for the unexpired term. Vacancy appointments.

Meetings of Commission.

Quorum.

Organization of Commission.

Election of officers.

SEC. 7. Organization of the Commission; Election of Officers. The Commission shall hold at least two meetings annually in the City of Raleigh, one in January and one in July, and five members of the Commission shall constitute a quorum for the transaction of business. Additional meetings may be held at such other times and places within the State as may be deemed necessary for the efficient transaction of the business of the Commission. The Commission may hold additional or special meetings at any time at the call of the chairman or on call of any three members of the Commission. The Commission shall determine its own organization and methods of procedure in accordance with the provisions of this Act, and shall have an official seal, which shall be judicially noticed. At the first meeting of the Commission, which shall be held in the City of Raleigh on or before the first day of July, 1947, it shall elect one of its members as chairman and one of its members as vice chairman; thereafter, at the meeting held in January, 1948, and annually thereafter, the Commission shall elect one of its members as chairman and one of its members as vice chairman; such officers to hold office for a period of one year.

Location of offices.

SEC. 8. Location of Offices. The Board of Public Buildings and Grounds shall provide the Commission with offices in the City of Raleigh, North Carolina.

Compensation of commissioners.

SEC. 9. Compensation of Commissioners. The members of the Commission shall receive not more than ten dollars ($10.00) per diem and actual travel expenses while in attendance of meetings of the Commission or engaged in the business of the Commission; all travel expenses shall be paid in accordance with the provisions of the Executive Budget Act, Article 1, Chapter 143 of the General Statutes of North Carolina.

Appointment of Executive Director.

Duties.

Qualifications.

Salary.

SEC. 10. Executive Director. Appointment, Qualifications, Duties, Oath of Office, and Bond. The North Carolina Wildlife Resources Commission as soon as practicable after its organization shall select and appoint a competent person qualified as hereinafter set forth as Executive Director of the North Carolina Wildlife Resources Commission. The Executive Director shall be charged with the supervision of all activities under the jurisdiction of the Commission and shall serve as the chief administrative officer of the said Commission. Subject to the approval of the Commission and the Director of the Budget, he is hereby authorized to employ such clerical and other assistants as may be deemed necessary. The person selected as Executive Director shall have had training and experience in conservation, protection and management of wildlife resources. The salary of such Director shall be fixed by the Governor with the approval of the Commission, and said Director shall be allowed actual expenses incurred while on official duties away from resident

headquarters; said salary and expenses to be paid from the Wildlife Resources Fund subject to the provisions of the Executive Budget Act. The term of office of the Executive Director shall be at the pleasure of the Commission. Before entering upon the duties of his office, the Executive Director shall take the Oath of Office as prescribed for public officials and shall execute and deposit with the State Treasurer a bond in the sum of ten thousand dollars ($10,000.00), to be approved by the State Treasurer, said bond to be conditioned upon the faithful performance of his duties of office. The said Executive Director shall be clothed and vested with all powers, duties, and responsibilities heretofore exercised by the Commissioner of Game and Inland Fisheries relating to wildlife resources.

Term of office.

Oath of office.

Bond required.

SEC. 11. Transfer of Powers, Duties, Jurisdiction, and Responsibilities. All duties, powers, jurisdiction, and responsibilities now vested by statute in and heretofore exercised by the Department of Conservation and Development, the Board of Conservation and Development, the Director of Conservation and Development, the Division of Game and Inland Fisheries, the Commissioner of Game and Inland Fisheries, or any predecessor organization, board, commission, commissioner, or official relating to or pertaining to the wildlife resources of North Carolina, exclusive of commercial fish and fisheries, are hereby transferred to and vested by law in the North Carolina Wildlife Resources Commission hereby created, subject to the provisions of this Act. The powers, duties, jurisdiction, and responsibilities hereby transferred shall be vested in the Commission immediately upon its organization under the provisions of this Act. *Provided however,* that no provision of this Act shall be construed as transferring to or conferring upon the North Carolina Wildlife Resources Commission, herein created, jurisdiction over the administration of any laws regulating the pollution of streams or public waters in North Carolina.

Transfer of powers, duties, jurisdiction and responsibilities to the commission.

SEC. 12. Transfer of Lands, Buildings, Records, Equipment, and other Properties. There is hereby transferred to the North Carolina Wildlife Resources Commission all lands, buildings, structures, records, reports, equipment, vehicles, supplies, materials, and other properties, and the possession and use thereof, which have heretofore been acquired or obtained and now remain in the possession of, or which are now and heretofore have been used or intended for use by the Department of Conservation and Development, the Director of Conservation and Development, the Division of Game and Inland Fisheries, and the Commission of Game and Inland Fisheries, and any predecessor organization or division or official of either, for the purpose of protecting, propagating, and developing game, fur bearing animals, game fish, inland fisheries, and all other wildlife re-

Transfer of lands, buildings, and other properties to Commission.

Governor authorized to arbitrate disputes arising from transfer of functions or properties.

sources, exclusive of commercial fish or fisheries, which heretofore have been used or held by them in connection with any program conducted for said purposes, whether said lands or properties were acquired, purchased, or obtained by deed, gift, grant, contract, or otherwise; the said lands and other properties hereby transferred, subject to the limitations hereinafter set forth to the said Wildlife Resources Commission shall be held and used by it subject to the provisions of this Act and other provisions of law in furtherance of the intents, purposes, and provisions of this Act and other provisions of law in such manner and for such purposes as may be determined by the Commission. In the event that there shall arise any conflict in the transfer of any properties or functions as herein provided, the Governor of the State is hereby authorized and empowered to issue such executive order, or orders, as may be necessary clarifying and making certain the issue, or issues, thus arising.

Title to properties vested in State.

Provided, further, nothing herein contained shall be construed to transfer any of the State Parks or State Forests to the North Carolina Wildlife Resources Commission. *Provided, further,* title to the property transferred by virtue of the provisions of this Act shall be held by the State of North Carolina for the use and benefit of the North Carolina Wildlife Resources Commission and the use, control and sale of any of such property shall be governed by the general law of the State affecting such matters.

Transfer of personnel to Commission.

SEC. 13. Transfer of Personnel. Upon the effective date of this Act the Division of Game and Inland Fisheries of the North Carolina Department of Conservation and Development shall cease to exist and all employees of said Division shall continue as employees of the Commission at their option or until further action by the Commission.

Wildlife Resources Fund.

SEC. 14. Wildlife Resources Fund. All monies in the game and fish fund or any similar State fund when this Act becomes effective shall be credited forthwith to a special fund in the office of the State Treasurer, and the State Treasurer shall deposit all such monies in said special fund, which shall be known as the Wildlife Resources Fund.

Unexpended appropriations transferred to Fund.

All unexpended appropriations made to the Department of Conservation and Development, the Board of Conservation and Development, the Division of Game and Inland Fisheries or to any other State agency for any purpose pertaining to wildlife and wildlife resources, exclusive of commercial fish and fisheries, shall also be transferred to the Wildlife Resources Fund.

Certain monies deposited to Fund.

On and after the effective date of this Act all monies derived from hunting, fishing, trapping, and related license fees, exclusive of commercial fishing license fees, and all funds thereafter received from whatever sources shall be deposited to the

credit of the Wildlife Resources Fund and made available to the Commission until expended subject to the provisions of this Act. The Wildlife Resources Fund herein created shall be subject to the provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes of North Carolina as amended, and the provisions of the Personnel Act, Chapter 143, Article 2 of the General Statutes of North Carolina as amended.

Fund subject to provisions of Executive Budget Act.

All monies credited to the Wildlife Resources Fund shall be made available to carry out the intent and purposes of this Act in accordance with plans approved by the North Carolina Wildlife Resources Commission, and all such funds are hereby appropriated, reserved, set aside and made available until expended, for the enforcement and administration of this Act.

In the event any uncertainty should arise as to the funds to be turned over to the North Carolina Wildlife Resources Commission the Governor shall have full power and authority to determine the matter and his recommendation shall be final and binding to all parties concerned.

Governor to determine questions arising from transfer of funds.

SEC. 15. Cooperative Agreements. In furtherance of the purposes of this Act the Commission is hereby authorized and empowered to enter into cooperative agreements pertaining to the management and development of the wildlife resources with Federal, State, and other agencies, or governmental subdivisions.

Cooperative agreements.

SEC. 16. Act Not Applicable to Commercial Fish or Fisheries. None of the provisions of this Act shall be construed to apply to commercial fish or fisheries, or to repeal or modify any existing laws or regulations governing commercial fish or fisheries.

Act not applicable to commercial fish or fisheries.

SEC. 17. Jurisdictional Questions. In the event of any question arising between the Department of Conservation and Development and North Carolina Wildlife Resources Commission as to any duty or responsibility or authority imposed upon either of said bodies by law, or in case of any conflicting rules or regulations or administrative practices adopted by said bodies, such questions or matters shall be determined by the Governor of the State and his determination shall be binding on each of said bodies.

Settlement of jurisdictional questions.

SEC. 18. Conflicting Laws. All laws and clauses of laws in conflict with the provisions of this Act are hereby modified and amended so as to conform with the provisions of this Act; and all laws and clauses of laws pertaining to the wildlife resources, as herein defined, not in conflict with the provisions thereof are to remain and continue in full force and effect.

Conflicting laws repealed.

Regulations of Department continued.

Provided further, that all rules and regulations now in force with respect to wildlife resources as herein defined, promulgated by the Department of Conservation and Development under Chapter 113 of the General Statutes of North Carolina, shall continue in full force and effect until altered, modified, amended, or rescinded by the Commission created under this Act, or repealed or modified by law.

Partial invalidity section.

SEC. 19. Severability. The provisions of this Act shall be severable, and if any clause, sentence, paragraph, or provision of this Act shall for any reason be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or provision, directly involved in the controversy in which such judgment shall have been rendered.

Effective date.

SEC. 20. Effective Date. This Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 213 **CHAPTER 264**

AN ACT TO AMEND CHAPTER 206 PUBLIC-LOCAL LAWS OF 1937 TO INCREASE THE NUMBER OF PERSONS TO BE DRAWN FOR JURY DUTY FOR THE SUPERIOR COURTS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Ch. 206, Public-Local Laws, 1937, amended to increase number of persons drawn for jury duty, Forsyth County.

SECTION 1. That Section 4 of Chapter 206, Public-Local Laws 1937 be amended by striking out the words "forty-two men" in line four of said Section after the word "summoned" and inserting in lieu thereof the words "fifty-four persons" and by striking out the word "thirty" in line twelve after the word "special" and inserting in lieu thereof the word "thirty-eight."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 227 **CHAPTER 265**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT HOLLY, NORTH CAROLINA, AND TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Extension of corporate limits, Town of Mount Holly, Gaston County, authorized.

SECTION 1. That the corporate limits and bounds of the Town of Mount Holly, Gaston County, North Carolina, may be extended so as to include within the boundaries of said corporate limits all of that territory defined and described as follows, to-wit:

Extended boundaries defined.

Beginning at a point on the west side of the Catawba River in the center of Love's Creek where it empties into said river, also the Riverbend-Southpoint Township corner, and runs thence with the meanderings of the center of said Love's Creek and also with said township line, in a westerly direction 5600 feet more or less, crossing Tuckaseege Road, Mt. Holly-Belmont Highway, and unimproved road from Adrian-Madora Village to Catawba Heights, to the junction of a branch leading from a northerly direction, said junction point being located almost due west from said village and almost due north from said unimproved road; thence with the meanderings of said branch in a northerly direction, crossing the P & N Railway, 2650 feet, more or less, to a culvert under the Mt. Holly-McAdenville paved road; thence N 11 E 6900 feet, more or less, crossing the S.A.L. Railway, N. C. Highway Mt. Holly to Lincolnton, to a point in the old Mt. Holly to Stanley Road opposite driveway leading to home of Mrs. Roy Spratt; thence N 60-30 E 6930 feet, more or less, crossing Dutchman's Creek, to the center of Mt. Holly to Lucia Highway in front of Bethel Church; thence with the center line of unimproved road S 40 E 200 feet, more or less, to the westerly line of right-of-way of the P & N Railway; thence with the westerly right-of-way line of the said P & N Railway in a southerly direction 8100 feet more or less, to the south bank of Dutchman's Creek; thence with south bank of said creek in an easterly direction to the west bank of the Catawba River, 600 feet, more or less; thence with the west bank of said river in a southerly direction 6450 feet, more or less, to the beginning.

Special election upon question of extension.

SEC. 2. That if the Board of Aldermen of the Town of Mount Holly adopts a resolution so requesting, the Gaston County Board of Elections shall, as promptly as feasible, call and hold for the said town and at its expense a special election to determine whether the town limits of the Town of Mount Holly shall be enlarged and extended as herein provided.

Call of special election by Gaston County Board of Elections.

SEC. 3. That the Gaston County Board of Elections when requested so to do by the Board of Aldermen of the Town of Mount Holly, as hereinbefore set forth, shall call a special election to be held to determine whether or not the boundaries of the Town of Mount Holly shall be extended, and the territory within and the boundaries thereof shall be as described in Section 1 hereof; *provided, however,* that only one special election shall be called under the provisions of this Act; and that no absentee voting shall be permitted.

Absentee voting prohibited.

Contents of call for election.

SEC. 4. That the call for said special election when made by the Gaston County Board of Elections shall:

Description of territory.

(a) Describe the territory of the proposed boundaries of the Town of Mount Holly as the same is set forth in Section 1 hereof,

Submission of question.

(b) Provide that the matter of enlargement and annexation of such territory and the boundaries of the Town of Mount Holly as described in Section 1 hereof, shall be submitted to the vote of the qualified voters of said Town of Mount Holly and the territory to be annexed, voting together,

Provision for new registration.

(c) Provide for a new or special registration of voters in the Town of Mount Holly as its boundaries now exist and the territory proposed to be annexed at said special election,

Designation of precincts.

(d) Designate the precincts and voting places for such election,

Registrars and judges of election.

(e) Name the registrars and judges of election; and

Provisions for conduct of election.

(f) Make all necessary provisions for the holding and conducting of such election, including the canvassing of the returns and the declaration of the result of said special election. The call for said election shall be published in some newspaper published in Gaston County and preferably in a newspaper published in the Town of Mt. Holly for a period of once a week for four successive weeks prior to said election.

Publication of call for election.

Form of ballot.

SEC. 5. At such election the qualified voters who present themselves to the election officials at the respective voting places during the hours provided for the holding of said special election shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension."

Corporate limits extended in event of a majority vote therefor.

If at such special election a majority of the votes cast shall be "For Extension", then from and after the 31st day of December next following the special election the territory described in Section 1 hereof shall be and become the corporate limits and boundaries of the Town of Mount Holly, and if the corporate limits shall be so extended the same shall constitute and include all of said territory described in Section 1, and the citizens and

property within said territory shall then be subject to all laws, ordinances and regulations in force and effect in said town, and said property and citizens shall be entitled to the same benefits, privileges and facilities as afforded other comparable parts of said town now within the present limits, and be subject to the same responsibilities.

Limitation of Act.

SEC. 6. That if said election is not requested and held as herein provided within a period of two years then this Act shall become null and void.

Partial invalidity section.

SEC. 7. If any Section, portion or clause of this Act shall be declared unconstitutional, all other parts of said Act shall be and remain in full force and effect.

Conflicting laws repealed.

SEC. 8. All laws or parts of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 312 **CHAPTER 266**

AN ACT TO RELIEVE THE SHERIFF OF YANCEY COUNTY FROM HIS DUTIES AS TAX COLLECTOR, TO PLACE THE SHERIFF ON A SALARY AND FEE BASIS, AND TO PROVIDE FOR THE COMPENSATION OF THE CHIEF DEPUTY SHERIFF OF YANCEY COUNTY.

Preamble:

Collection of certain taxes by County Accountant, Yancey County.

WHEREAS, under existing law, the county accountant of Yancey County is charged with the duty of collecting prepaid and delinquent taxes; and

Collection of current taxes by Sheriff.

WHEREAS, the Sheriff of Yancey County is now charged only with the duty of collecting current taxes in addition to his other duties as sheriff; and

Collection of all taxes by one office deemed advisable.

WHEREAS, in order to better promote law enforcement in Yancey County by relieving the sheriff of the duty of collecting current taxes and enabling him to devote all of his time to law enforcement in said county and to render more efficient the collection of taxes by placing the duty to collect all taxes in one office: *Now, therefore*,

The General Assembly of North Carolina do enact:

Transfer of tax collection duties of Sheriff to County Accountant.

SECTION 1. The county accountant of Yancey County is hereby charged with all powers, duties and liabilities now pertaining to the sheriff of said county as tax collector regarding the collection, custody, disposition of, turning over, and accounting for moneys, distraint, advertisement, sale, and in all other respects pertaining to said matters which are now given, or shall hereafter be given, designated or required of sheriffs in the performance of similar duties. The county accountant shall make all the reports now required by the sheriff as tax collector, and be subject to the same laws, rules, regulations relative thereto.

Bond required.

The county accountant shall give the bond now required by law for sheriffs acting as tax collector, and the expenses and costs incurred giving said bond shall be paid by the county commissioners out of the general fund of the county.

Duties.

SEC. 2. It shall be the duty of the county accountant of Yancey County to use due diligence and make faithful efforts to collect all taxes, prepaid, current and delinquent, as and when the collection thereof is contemplated by law, and to faithfully account for such collections and at the proper time turn the same over to the proper legal authority: *Provided*, that nothing in this Act shall relieve former Sheriff Ralph Neill of the duty to collect and account for taxes due Yancey County for the year 1946.

1946 taxes excepted.

Monthly reports by County Accountant.

SEC. 3. That the county accountant shall present to the board of county commissioners at each regular monthly meeting of said board a full and itemized statement of all taxes collected by him and the disposition of the same since the last previous meeting of the board. It is further provided that the tax collector shall deposit daily all tax moneys collected in the designated depositories which the county commissioners may name, and shall furnish the county commissioners or to some person designated by them duplicate deposit slips daily of funds deposited.

Deposit of monies collected.

Compensation of Sheriff, Yancey County in lieu of tax collection commissions.

SEC. 4. That the Sheriff of Yancey County, in addition to all fees for service of process now received by him as provided by law, shall receive, in lieu of the commissions heretofore paid him for collecting taxes, the sum of twenty-four hundred dollars ($2400.00) per annum payable monthly out of the general fund of Yancey County.

No additional compensation to County Accountant.

SEC. 5. The county accountant of Yancey County shall receive no additional compensation for his services as tax collector under the provisions of this Act.

Salary of Sheriff retroactive.

SEC. 6. That the salary of the Sheriff of Yancey County as fixed herein shall be payable retroactively as of the first Monday in December, 1946.

SEC. 7. That Chapter 102 of the Public-Local Laws of 1943, relating to the compensation of the chief deputy sheriff of Yancey County be, and the same is hereby, repealed.

Ch. 102 Public-Local Laws, 1943, repealed.

SEC. 8. That from and after the first Monday in December, 1946, the chief deputy sheriff of Yancey County shall receive a salary of one hundred dollars ($100.00) per month, which shall be paid from the general fund of the county. The governing board of the Town of Burnsville, in said county, is hereby expressly authorized, at its option, to appropriate out of the general fund of said town an amount sufficient to pay one-half of the salary of the chief deputy sheriff herein provided for, and to pay said sum into the general fund of Yancey County for that purpose each month. Upon the exercise of such option by the governing officials of the Town of Burnsville, and the payment of said one-half of the salary of the chief deputy sheriff, it shall be the duty of the Sheriff of Yancey County to provide enforcement within the corporate limits of the Town of Burnsville of all laws and ordinances pertaining to said town.

Compensation of chief deputy sheriff.

Option of Town of Burnsville to pay portion of salary of chief deputy sheriff.

Enforcement of laws upon exercise of option.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 335 CHAPTER 267

AN ACT TO AUTHORIZE SPECIAL TAX LEVIES FOR SPECIAL PURPOSES IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Sampson County is hereby authorized and empowered, in its discretion, to levy such special property taxes as may be necessary not in excess of five cents (5c) on the one hundred dollars ($100.00) valuation for the following special purposes respectively, in addition to any tax now allowed by law for such purposes and in addition to the rate allowed by the Constitution of North Carolina:

Special tax levies, Sampson County, authorized.

Purpose of special levies.

(1) For the expense of the county accountant's office, including salaries of the accountant, his assistants, and clerks.

(2) For the expense of the county farm agent's office, including salaries of the farm agent, his assistants, and clerks.

(3) For the expense of the county welfare superintendent's office, including salaries of the superintendent, his assistants, case workers, and clerks.

(4) For the expense of the home demonstration agent's office, including salaries of the home demonstration agent, her assistants, and clerks.

Partial invalidity section.

SEC. 2. The unconstitutionality or invalidity of any Section or Subsection of this Act shall not affect the constitutionality or validity of any other Section or Subsection of this Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 386 CHAPTER 268

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OR OTHER GOVERNING BOARD OF THE TOWN OF AYDEN TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Traffic Bureau, Town of Ayden, authorized.

SECTION 1. That the Board of Aldermen of the Town of Ayden may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

Violations under jurisdiction of Bureau.

Parking over the allowed time.
Parking between one A. M. and six A. M.
Parking more than twelve inches from the curb.
Parking within twenty-five feet of a street corner.
Parking within fifteen feet of a fire hydrant.
Parking in a nonparking space.
Illegal use of loading zone, bus stops and taxi stands.
Parking at entrance of alley or driveway.
Parking at left side of curb.
Double parking.
Not displaying proper lights.

Making U turn in street where prohibited.
Illegal left or right turn.
Not displaying city license.
Obstructing traffic.

Other violations of traffic ordinances enumerated in such ordinance, except failure to stop at any stop sign or stop light.

Settlement of violations before issuance of warrant.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses may before warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

All overtime parking one dollar ($1.00).

All offenses listed above other than overtime parking one dollar and fifty cents ($1.50) first offense, three dollars ($3.00) second offense. For the third offense in any twelve months period warrant shall be issued.

Settlement of violations upon plea of guilty and payment of costs.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Ayden to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations; *provided,* that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the Town of Ayden, and the person so charged with such violation or violations shall be tried upon such warrant in the Municipal Recorder's Court of the Town of Ayden.

Issuance of warrant in certain instances authorized.

Trial in Municipal Recorder's Court.

No State tax payable.

SEC. 4. That no State tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

Personnel of Bureau.

SEC. 5. That the chief of police shall designate a sufficient number of officers to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any time and pay the costs provided in this Act.

Payment of costs collected by Bureau.

SEC. 6. That all costs collected in the traffic bureau shall be paid to the treasurer of the town to be treated as costs collected in the Municipal Recorder's Court of the Town of Ayden.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 394 CHAPTER 269

AN ACT TO AMEND SECTION 2-36 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PAYMENT OF ADVANCE COURT COSTS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

G. S., 2-36, amended to provide collection of advance court costs, Surry County.

SECTION 1. That Section 2-36 of the General Statutes of North Carolina, as amended by Chapter 296 of the Session Laws of 1945, the same being the 1945 Cumulative Supplement to the General Statutes, be, and the same is hereby amended by striking out the word "Surry" in line five of said Section.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 395 CHAPTER 270

AN ACT TO AMEND SECTION 6-52 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES AND MILEAGE OF WITNESSES IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

G. S., 6-52, relating to witness fees, amended to apply to Surry County.

SECTION 1. That Section 6-52 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out the name "Surry" in line nine of said Section.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 396 **CHAPTER 271**

AN ACT TO VALIDATE BONDS HERETOFORE ISSUED BY DUNN'S TOWNSHIP IN FRANKLIN COUNTY AND TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS.

Preamble:

Outstanding bonds of Dunn's Township, Franklin County.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Dunn's Township, in Franklin County, North Carolina, in the aggregate principal amount of twenty thousand dollars ($20,000), dated July 1st, 1917, bearing interest at the rate of five per centum per annum, and maturing July 1st, 1947; and

Purpose of bonds.

WHEREAS, said bonds were issued for the purpose of constructing and improving public roads in said township, the same constituting necessary expenses of said township; *Now, therefore,*

The General Assembly of North Carolina do enact:

Outstanding bonds validated.

SECTION 1. That the bonds of Dunn's Township which are described in the foregoing preambles are hereby in all respects validated and confirmed and declared to constitute valid subsisting indebtedness of said township.

Refunding bonds authorized.

SEC. 2. That the Board of Commissioners for the County of Franklin is hereby authorized and empowered to issue, at one time or from time to time, in accordance with the provisions of Chapter 159, Article 3, of the General Statutes of North Carolina, negotiable bonds of Dunn's Township to refund all or any part of the Dunn's Township bonds dated July 1st, 1917, and described in the foregoing preambles. In each year while any of such refunding bonds shall be outstanding there shall be levied upon all taxable property within Dunn's Township a special tax sufficient to pay the principal of and the interest on all such refunding bonds as the same become due and payable, which tax shall be in addition to all other taxes authorized or limited by law. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Special tax levy for payment of refunding bonds authorized.

Powers herein granted declared additional.

SEC. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 399 CHAPTER 272

AN ACT TO AMEND SECTION 9-4 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE NUMBER OF JURORS TO BE DRAWN FOR THE SECOND WEEK OF THE SUPERIOR COURT OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

G. S., 9-4, relating to drawing of jurors, amended by repealing paragraph applying to Hertford County.

SECTION 1. That the sixth paragraph of Section 9-4 of the General Statutes of North Carolina, which reads as follows: "In Hertford County fifteen extra jurors shall be drawn and summoned for the second week", be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 414 CHAPTER 273

AN ACT TO AMEND GENERAL STATUTES 156-79 ALLOWING VACANCY IN BOARD OF DRAINAGE COMMISSIONERS TO BE FILLED BY APPOINTMENT BY CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

G. S., 156-79, amended to authorize C.S.C. to make vacancy appointments in Board of Drainage Commissioners.

SECTION 1. That Section 156-79 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out in line seventeen, the words "in like manner", and by inserting in lieu thereof, the words "by the Clerk of the Superior Court".

Application of Act.

SEC. 2. That this Act shall apply to all proceedings now pending before the Clerks of the Superior Court of this State.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 428 **CHAPTER 274**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LIBERTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 37 of the Public-Local and Private Laws of North Carolina of 1935, be amended by striking out all of Section 1 in said Chapter and inserting in lieu thereof the following:

Ch. 37, Private Laws, 1935, amended.

Section 1. That the boundary lines of the Town of Liberty, in the County of Randolph, State of North Carolina, shall be, and they are hereby, fixed as follows:

Extension of corporate limits, Town of Liberty, authorized.

Beginning at a concrete monument approximately fifty feet South from the southwest corner of the cemetery lot in the southern margin of Brower Street, a corner in the present boundary of the Town of Liberty; thence, along the south margin of Brower Street South eighty-one degrees thirty minutes West fourteen hundred sixteen feet to a concrete monument in street near the northwest corner of the negro school property; thence North two degrees East five thousand nine hundred fifty-eight and twenty-eight one hundredths feet to a point, being located two thousand five hundred ninety-four and ninety-two one hundredths feet South eighty-nine degrees West from the center line of the Atlantic and Yadkin Railway track; thence North eighty-nine degrees East a distance of six thousand three hundred eighty-six and sixty-six one hundredths feet to a point, said point being located three thousand seven hundred ninety-two and twenty-four one hundredths feet North eighty-nine degrees East from the center line of the Atlantic and Yadkin Railway track; thence South one degree West, crossing N. C. Highway No. 49, a distance of ten thousand four hundred fifty-two and seventy-two one hundredths feet to a point; thence North eighty-five degrees thirty minutes West, crossing U. S. Highway No. 421, Atlantic and Yadkin Railway track and South Fayetteville Street, a distance of four thousand five hundred fifty feet to a point; thence North four degrees thirty minutes East, parallel to and four hundred feet West of the western margin of Asheboro Street, a distance of four thousand one hundred eighty-seven feet to a point in the southern margin of Brower Street; thence North eighty-five degrees thirty minutes West along the southern margin of Brower Street a distance of eight hundred five and sixty-six one hundredths feet to a concrete monument, the point of beginning.

Extended corporate limits defined.

SEC. 2. That before the corporate limits of the Town of Liberty are enlarged as provided in Section 1 of this Act, the Randolph County Board of Elections shall call an election to be held not

Election upon question of extension.

later than August 1st, 1947, to determine whether or not the corporate limits shall be so enlarged as to embrace and include the territory described in Section 1.

Contents of call for election.

SEC. 3. That the call of said election shall:

Description of territory.

(a) Describe the enlarged corporate limits of the town, as hereinabove proposed;

Submission of question.

(b) Provide that the matter of such enlargement shall be submitted to the qualified voters of said town and of the territory to be annexed, voting together;

New Registration.

(c) Provide for a new or special registration of voters residing in said area;

Designation of precincts.

(d) Designate the precinct or precincts and voting place of places for such election;

Registrars and judges of election.

(e) Name the registrars and judges of election and make all other necessary provisions for the holding and conducting of said election and canvassing of the returns and the declaration of the results.

Publication of call.

Said call shall be published in The Courier-Tribune once a week for four successive weeks prior to said election.

Form of ballot.

SEC. 4. That at such election those voters who favor extending the town limits as herein provided, shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." The words "For Extension" and "Against Extension" may both be on the same ballot, with a box in front of each to be marked the choice of the voter. If a majority of the votes cast at such election shall be "For Extension," then on and after the first day of January, 1948, the territory embraced within the corporate limits of the Town of Liberty as provided by this Act and its citizens and property shall be subject to all the laws, ordinances, and regulations now or hereafter to be in force in said town, and shall be afforded the same privileges, benefits, and facilities as are now or which may be comparable parts of the said town and citizens within the city limits.

Corporate limits extended in event of majority vote therefor.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 446 **CHAPTER 275**

AN ACT ADOPTING AN OFFICIAL RECORD OF UNCOLLECTED TAXES FOR THE YEARS 1929 THROUGH 1943 FOR THE COUNTY OF BUNCOMBE AND THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Designation of official tax scroll for Buncombe County for years 1929 through 1943.

SECTION 1. In order to clarify and make more definite the tax records for the County of Buncombe and the City of Asheville, that certain cumulative record of uncollected taxes for the years 1929 through 1943 officially designated "Tax Scroll of Uncollected Taxes from 1929 through 1943", and being the same record officially adopted by resolution of the Board of Tax Supervision of Buncombe County under date of February 3rd, 1947, is hereby constituted and declared to be the official scroll book or record of the Board of Tax Supervision for Buncombe County for the years 1929 through 1943, and such tax scroll shall be placed in use and be substituted in all respects for the old scroll books for such years.

Certain taxes presumed to be paid.

SEC. 2. All taxes due the City of Asheville, the County of Buncombe or the Board of Tax Supervision for Buncombe County for the years 1929 through 1943 which do not appear as unpaid or assigned on the "Tax Scroll of Uncollected Taxes from 1929 through 1943" herein adopted, shall be conclusively presumed to have been paid, and the Tax Collector of the Board of Tax Supervision for Buncombe County shall not be responsible for the omission from such tax scroll of any unpaid taxes for the years 1929 through 1943.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 454 **CHAPTER 276**

AN ACT APPLICABLE ONLY TO GUILFORD COUNTY TO PERMIT REGISTRATION OF A PHOTOSTATIC COPY OF A DEED FROM THE UNITED STATES OF AMERICA TO A COUNTY.

The General Assembly of North Carolina do enact:

Registration of photostatic copies of deeds from United States to Guilford County, authorized.

SECTION 1. Whenever it shall appear to the Clerk of the Superior Court of any county, by affidavit of the chairman of the board of county commissioners of said county, that the United States of America has made a deed of conveyance of land in said county to the said county, and that said deed has been misplaced and has not been recorded in the county, and said chairman shall present a photostatic copy of said deed, and request in writing that the said photostatic copy be recorded; then and in that event it shall be the duty of said Clerk of the Superior Court to authorize and direct the register of deeds of said county to register said photostatic copy.

Recordation of deed.

SEC. 2. When the provisions of Section 1 of this Act have been complied with, it shall be the duty of the register of deeds of said county to register or record and index said photostatic copy of said deed, just as if it were an original deed.

Legal effect of such registration.

SEC. 3. When said photostatic copy of a deed from the United States of America to any county in this State shall have been recorded and indexed in accordance with the provisions of Sections 1 and 2 of this Act, the said photostatic copy and the record thereof shall have the same legal effect which the original of said deed and its record would have had, had they been recorded.

Pending litigation unaffected.

SEC. 4. This Act shall not apply to pending litigation.

Application of Act.

SEC. 5. This Act shall apply to Guilford County only.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. B. 473 **CHAPTER 277**

AN ACT RELATING TO THE LICENSING AND REGULATION OF POOL AND BILLIARD ROOMS AND DANCE HALLS IN ASHE COUNTY, EXCEPT WITHIN THE CORPORATE LIMITS OF MUNICIPALITIES.

The General Assembly of North Carolina do enact:

SECTION 1. Except within the corporate limits of municipalities, the Board of Commissioners of Ashe County is hereby authorized and empowered to license, prohibit, and regulate the operation of pool and billiard rooms and dance halls in Ashe County and to fix the hours during which such pool and billiard rooms and dance halls may operate, and to revoke the license of any such licensee for the violation of any regulation adopted by the board relative to the operation of such amusements.

Regulation of operation of pool and billard rooms, Ashe County, by county commissioners.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

S. B. 93 **CHAPTER 278**

AN ACT TO PRESCRIBE PROCEDURE FOR HOLDING MUNICIPAL ELECTIONS IN THE TOWN OF MAXTON IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In all municipal elections held in the Town of Maxton in Robeson County each candidate for an elective municipal office shall, at least ten days in advance of date of such election, file with the town clerk written notice of his candidacy, and at the time of filing shall pay to the town clerk a filing fee of five dollars ($5.00).

Notice of candidacy in municipal elections, Town of Maxton, Robeson County.

Payment of filing fee.

SEC. 2. In all respects, excepting those requirements as to notice of candidacy and payment of filing fee provided for in Section 1 of this Act, all municipal elections for the Town of Maxton shall be held and conducted in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended.

Conduct of municipal elections.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Chapter 25 of the Private Laws of 1887 and Chapter 175 of the Private Laws of 1935, insofar as they are in conflict with the provisions of this Act, are hereby specifically repealed.

SEC. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

S. B. 126 **CHAPTER 279**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILLSBORO, NORTH CAROLINA, SO AS TO PROVIDE FOR THE GENERAL ELECTION OF ELECTIVE MUNICIPAL OFFICIALS.

The General Assembly of North Carolina do enact:

Election of municipal officers, Town of Hillsboro.

SECTION 1. That for the purpose of electing a mayor and five commissioners at large, all of the Town of Hillsboro, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, 1947, and biennially thereafter, a nonpartisan election. The officials so elected shall hold their office until their successors are elected and qualified.

That the mayor and commissioners shall take office on the first Monday in June subsequent to the election.

Conduct of elections.

SEC. 2. That said elections shall be conducted as far as practicable, in all things and in all details in accordance with the general election laws of the State, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, now in force or hereafter enacted which govern elections, not inconsistent with this Act, shall apply as fully to such elections and the acts and things done thereunder, as to general elections, unless different provisions are made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with same punishment when committed on an election held thereunder.

Declaration of candidacy.

SEC. 3. That any person desiring to become a candidate for election as mayor, or commissioner of the Town of Hillsboro shall on or before twelve o'clock noon of the first Monday in April preceding any election held thereunder file with the town clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the Town of

Hillsboro, and at the time of such filing pay to the Town of Hillsboro a fee of five dollars ($5.00). Filing fee.

SEC. 4. That when the time for filing the declaration for candidacy hereunder has expired the board of town commissioners shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election for the use of all qualified voters. The names of the opposing candidates, or the candidate for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said squares opposite the name of the person such voter desires to cast the ballot for a cross mark. Ballots.

SEC. 5. The board of commissioners of said town shall select, at least thirty days before the election provided for in the preceding Section, one person who shall act as registrar of voters of the Town of Hillsboro; said board of commissioners shall make publication of the name of the person so elected at the town hall, immediately after such appointment, and shall cause notice to be served upon said person by the town clerk of said town. If any registrar shall die, resign, or neglect to perform his duties, said board of commissioners shall provide for said registration books. The registrar, after being duly sworn by some person authorized to administer oaths, to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of the Town of Hillsboro in such manner that said books shall show an accurate list of electors previously registered in said Town of Hillsboro, and still residing therein without requiring such electors to be registered anew unless said board of commissioners shall have ordered and required a new registration as is hereinafter provided; said registrar shall also, between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted) for seven days preceding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in said Town of Hillsboro and entitled to register whose names have never before been registered in said Town of Hillsboro or do not appear in the revised list; that said books shall be closed for registration on the third Saturday before each election under Section 4 above. Appointment of registrar. Duties of registrar.

SEC. 6. That on the second Saturday before the election said registration books shall be kept open at the polling place in the Town of Hillsboro from nine o'clock A. M. until five o'clock P. M. to the inspection of the electors of said town, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the Registration books open for inspection.

Challenges of registrations.

person as objected to the word "Challenged," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with said judges of election, shall hear and decide said objection, giving personal notice to the voter so objected; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not truly qualified, the registrar shall erase his name from the books.

Appointment of judges of election.

The board of commissioners shall on or before the first Monday in April, immediately preceding such election appoint two judges of election, who shall be men of good character, able to read and write.

Duties of judges of election.

The said judges of election shall attend the voting place on the day of election, and they, together with the registrar of said Town of Hillsboro, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the names of every person who shall vote and at the close of the election day, they shall certify the same over their proper signatures and deposit them with the said board of town commissioners.

Registration on election day in special instances.

SEC. 7. That no registration shall be allowed on the day of election but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of the challenge under the rules and regulations, prescribed by the general law regulating elections for Members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of said Town of Hillsboro, and not otherwise, shall have the right to vote for such town officers.

Qualification of voters.

Hours for voting.

SEC. 8. That the polls shall be open on the day of the election from seven o'clock A. M. until six o'clock P. M., and no longer; and such person whose name may be registered shall be entitled to vote. Immediately after an election the registrar and judges of election shall deposit the registration and poll books for the Town of Hillsboro with the board of town commissioners or its clerk.

Ballot boxes.

The board of commissioners shall provide for said town necessary ballot boxes in which to deposit the ballots and each of said boxes shall have an opening through the lid to admit a single folded ballot and no more. Said ballot boxes shall be kept by the judges of election for the use of said election, and the said registrar and judge of election, before the voting begins,

shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not opened until the polls are closed.

Counting of ballots.

SEC. 9. That when the election shall have been finished the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ticket, and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either case such ticket shall not be numbered in the taking of the ballot, but shall be void, and the said counting of votes shall be continued without adjournment until completed, and the result thereof declared. The registrar and judges of the election shall also be the canvassers of said election, and shall judicially determine the returns of said election. Said board shall have power and authority to judicially determine and declare the result of same, and it shall have power and authority to send for papers and persons to examine the latter upon oath.

Canvass of returns.

Candidate for mayor receiving majority vote declared elected.

Provisions for second elections when necessary.

SEC. 10. That the election for the office of mayor shall be determined by a majority vote. If there are two candidates for the office of mayor and the two candidates are tied, then and in such event the town commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing a mayor as between the two tied candidates. In the event more than two persons are candidates for the office of mayor in the regular election and neither receive a majority of the votes cast for such office the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall within forty-eight hours after the result of the election shall have been canvassed and declared demand by writing filed with the town clerk for a second election, which demand must be accompanied by a payment to the Town of Hillsboro of the sum of ten dollars ($10.00), to the use of said town, and the commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing a mayor as between the two high candidates. Only the candidates for mayor receiving the largest and second largest vote in the first election shall be voted on in the second election.

Five candidates for commissioners receiving majority vote declared elected.

SEC. 11. That the five candidates for commissioners receiving the highest number of votes shall be declared elected to that office. In the event there shall be a tie for fifth place as commissioner, then and in that event the town commissioner shall

Provision for second election in event of tie.

thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing an officer as between the two candidates tied for fifth place.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

H. B. 195 CHAPTER 280

AN ACT TO AMEND SECTION 114-15 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO RECORDS OF THE STATE BUREAU OF INVESTIGATION.

The General Assembly of North Carolina do enact:

G. S., 114-15, amended.

SECTION 1. That Section 114-15 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting a new paragraph between the first and second paragraphs of said Section to read as follows:

Records and evidence with State Bureau of Investigation not considered public records.

All records and evidence collected and compiled by the Director of the Bureau and his Assistants shall not be considered public records within the meaning of Section 132-1, and following, of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. *Provided* that all records and evidence collected and compiled by the Director of the Bureau and his Assistants shall, upon request, be made available to the Solicitor of any district if the same concerns persons or investigations in his district.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

H. B. 382 **CHAPTER 281**

AN ACT RELATING TO THE ISSUANCE OF BONDS BY MACON COUNTY AND RATIFYING AND VALIDATING THE PROCEEDINGS FOR THE ISSUANCE OF CERTAIN SCHOOL BONDS OF SAID COUNTY.

Preamble:

Macon County not authorized to issue bonds except by vote.

WHEREAS, Chapter 63 of the Public-Local Laws of 1929 provides that no bonds shall be issued by the Board of Commissioners of Macon County unless and until the question of the issuance of said bonds is submitted to and authorized by a vote of a majority of the qualified voters of said county at an election to be held as therein provided; and

Limitation by Constitution upon debts contracted by counties and municipalities.

WHEREAS, under the provisions of amended Section 4 of Article V of the Constitution of North Carolina, adopted at the general election held in 1936, counties and municipalities are prohibited from contracting debts during any fiscal year in an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality, and be approved by a majority of those voting thereon; and

Restriction upon issuance of bonds, Macon County no longer necessary.

WHEREAS, as a result of the adoption of said amended Section 4 of Article V the restrictions upon the issuance of bonds of the County of Macon imposed by said Chapter 63 are no longer necessary; and

Order authorizing school bond issue approved at election.

WHEREAS, at an election held on December 18th, 1945, an order authorizing four hundred thousand dollars ($400,000.00) school bonds of said county for building new school buildings in said county, was approved by the vote of a majority of the qualified voters of said county voting thereon at said election; and

Necessary that funds be provided as authorized.

WHEREAS, it is necessary, in order to maintain the constitutional six months' school term in Macon County, that funds be provided for the building of new school buildings in said county as authorized by said order and said election: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 63, Public-Local Laws, 1929, repealed.

SECTION 1. That Chapter 63 of the Public-Local Laws of 1929 entitled "An Act to prevent the issuance of bonds by Macon County without a vote of the people", be, and the same is hereby, repealed; but such repeal shall not affect the rights of any holders of bonds issued thereunder.

Proceedings for issuance of school bonds, Macon County, validated.

SEC. 2. That all Acts and proceedings, including the election proceedings, heretofore taken for the issuance of four hundred thousand dollars ($400,000.00) school bonds of the County of Macon, which bonds were authorized by an order which was approved by the vote of a majority of the qualified voters of the county voting thereon at an election held on December 18th, 1945, are hereby ratified and validated, and the Board of Commissioners for the County of Macon, acting as an administrative agent of the State in providing a State system of public schools, is hereby authorized and empowered to issue all or any part of said bonds, at one time or from time to time, in order to provide funds for the building of new school buildings in said county, the same being necessary for the maintenance of the constitutional six months' school term in said county, and that when the said bonds shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said County of Macon, and, as required by the County Finance Act, as amended, the Board of Commissioners for the County of Macon shall annually levy and collect an ad valorem tax upon all taxable property in the county sufficient to pay the principal of and the interest on said bonds as such principal and interest become due.

Issuance of bonds authorized.

Bonds to constitute valid obligation of county.

Tax levy for payment of bonds.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

H. B. 398 CHAPTER 282

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

G. S., 7-70, amended. Terms Superior Court, Hertford County.

SECTION 1. That that portion of Section 7-70 of the General Statutes of North Carolina fixing the terms of Superior Court in Hertford County be, and the same is hereby, amended to read as follows:

Hertford—first Monday before the first Monday in March; sixth Monday after the first Monday in March, to continue for two weeks, for the trial of civil and criminal cases; fifth Monday before the first Monday in September; sixth Monday after the first Monday in September, to continue for two weeks. (1913,

c. 196; 1915, c. 282; 1919, c. 142; 1923, c. 113; 1924, c. 9; 1927, c. 118; 1929, c. 217; 1931, cc. 140, 200; 1935, cc. 102, 276; 1939, c. 40; C. S. 1943.)

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

S. B. 194 **CHAPTER 283**

AN ACT TO AMEND SECTION 115-374 OF THE GENERAL STATUTES RELATING TO THE USE OF SCHOOL BUSSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 115-374 of Chapter 115 of the General Statutes is hereby amended by adding immediately after the end of the first sentence of the second paragraph thereof and before the second sentence of the second paragraph thereof the following: G. S., 115-374, amended.

The State Board of Education is authorized and empowered, under rules and regulations to be adopted by said board, to permit the use and operation of school busses for transportation of school children and school employees within the boundaries of any county or health district to attend State planned group educational or health activities, specifically excluding athletic or recreational activities, which educational or health activities in the judgment of the State Board of Education are directly connected with the public school program as administered within the counties of the State, and which are conducted under the auspices or with the sanction of the State Board of Education. Use of school busses to attend State planned educational or health activities authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1947.

S. B. 185 CHAPTER 284

AN ACT RELATING TO THE GAME OF "BINGO" IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Operation of game of "Bingo," New Hanover County, permitted.

SECTION 1. It shall be lawful to play or operate the game of "Bingo" in New Hanover County in connection with fairs, conventions, bazaars, or exhibitions sponsored by civic, charitable, social, patriotic, fraternal, or trade associations of the county.

Operation of game at beach resorts.

SEC. 2. It shall also be lawful to play or operate the game of "Bingo" in the Towns of Carolina Beach and Wrightsville Beach, or any other incorporated beach resort town in New Hanover County, *provided* that a written permit shall first be obtained from the governing body of such incorporated town.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

S. B. 193 CHAPTER 285

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF BEAUFORT COUNTY TO COLLECT CERTAIN PROBATE FEES HERETOFORE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Collection of certain probate fees by Register of Deeds, Beaufort County, authorized.

SECTION 1. That the Clerk of Superior Court of Beaufort County is hereby relieved of the duty of collecting any fees incident to the probate of instruments to be recorded in the office of the register of deeds, and is relieved of the duty of keeping a record of the instruments probated by him, and the said Register of Deeds of Beaufort County is hereby required to collect all fees in connection therewith which have heretofore been collected in the Office of the Clerk of Superior Court of Beaufort County, it being the intent hereof that all papers offered for registration shall be probated as heretofore by the Clerk of Superior Court of Beaufort County, but that the fees heretofore charged by said clerk for such probate shall hereafter be collected by the register of deeds, *provided, further*, that the register of deeds shall not be required to file for registration any

instrument unless the lawful fees for probate and registration are paid or tendered him when said instrument is presented to him for registration.

Amount of fees.

SEC. 2. The fees to be collected by the register of deeds for such probate shall be in the same amounts as those heretofore collected by the Clerk of Superior Court.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

S. B. 197 CHAPTER 286

AN ACT TO VALIDATE THE NOTARIAL ACTS OF T. C. FITZGERALD OF CRAVEN COUNTY DONE OR PERFORMED ON OR AFTER MAY 3RD, 1944, AND ON OR BEFORE MAY 3RD, 1946.

The General Assembly of North Carolina do enact:

Notarial acts of T. C. Fitzgerald, within certain period, validated.

SECTION 1. Each and every notarial act done or performed by T. C. Fitzgerald, a notary public of Craven County, on or after May 3rd, 1944, and on or before May 3rd, 1946, is hereby in all respects validated, ratified and confirmed.

Pending litigation unaffected.

SEC. 2. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

S. B. 233 **CHAPTER 287**

AN ACT TO AUTHORIZE THE COUNTY BOARD OF COMMISSIONERS OF SURRY COUNTY TO ADJUST OR SETTLE CERTAIN DELINQUENT TAX ACCOUNTS.

The General Assembly of North Carolina do enact:

Settlement of certain delinquent taxes by Surry County Board of Commissioners authorized.

SECTION 1. The Board of County Commissioners of Surry County is authorized at any time after the ratification of this Act and prior to December 31st, 1948, to adjust, compromise or cancel any delinquent ad valorem or poll tax account for any period prior to December 30th, 1938, the collection of which has not been heretofore barred by any statute of limitations. The powers granted in the first sentence of this Section shall be exercised only in those instances where, in the judgment of the board of county commissioners, the full amount of such taxes, penalties, and interest, together with the cost of foreclosure, is uncollectible, and the total value of the property liable for any such delinquent tax account does not equal the total amount of such account including taxes, penalties, interest and the cost of collecting or foreclosure; *provided* that no such delinquent tax account shall be cancelled in its entirety without any payment whatsoever being required thereof, except in cases where, in the judgment of the board of county commissioners, the total value of all property liable for such tax accounts does not equal the cost of collection or foreclosure.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 206 **CHAPTER 288**

AN ACT TO AMEND CHAPTER 1046 OF THE SESSION LAWS OF 1945, NOW DESIGNATED AS GENERAL STATUTES 51-8.1, RELATING TO HASTY MARRIAGES, BY REMOVING DARE FROM THE LIST OF COUNTIES AFFECTED THEREBY.

Ch. 1046, Session Laws, 1945, relating to issuance of marriage licenses to nonresidents of State, amended to exempt Dare County.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1046 of the Session Laws of 1945, designated as General Statutes 51-8.1 in the 1945 Cumulative Supplement to the General Statutes, is hereby amended by striking

out the word "Dare" in line 1 of Section 3 of said Chapter 1046 of the Session Laws of 1945.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 235 CHAPTER 289

AN ACT TO AMEND CHAPTER 1046 OF THE SESSION LAWS OF 1945, NOW DESIGNATED AS GENERAL STATUTES 51-8.1, RELATING TO HASTY MARRIAGES, BY REMOVING CURRITUCK FROM THE LIST OF COUNTIES AFFECTED THEREBY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1046 of the Session Laws of 1945, designated as General Statutes 51-8.1 in the 1945 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "Currituck" in line 2 of Section 3 of said Chapter 1046 of the Session Laws of 1945. Ch. 1046, Session Laws, 1945, relating to issuance of marriage licenses to non-residents of State, amended to exempt Currituck County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 310 CHAPTER 290

AN ACT TO AMEND SECTION 136-38 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE USE OF FUNDS ALLOCATED BY THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO CITIES AND TOWNS IN THIS STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 136-38 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a sentence after the period following the word "roads" in line 20 G. S. 136-38, relating to use of funds allocated by State Highway Commission to cities and towns, amended.

thereof and before the word "should" in said line to read as follows:

Should any balance then remain in the allotment to any city or town, such balance shall be used for the maintenance, repair, improvement, construction, reconstruction or widening of any street or streets as may be designated by the governing body of such municipality.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 315 CHAPTER 291

AN ACT ADJUSTING AND FIXING THE SALARIES OF CERTAIN OFFICIALS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Salary of Register of Deeds, Transylvania County.

SECTION 1. That from and after the first day of January, 1947, the Register of Deeds of Transylvania County shall receive a salary of twenty-four hundred dollars ($2,400.00) per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Clerk of Superior Court.

SEC. 2. That from and after the first day of January, 1947, the Clerk of the Superior Court of Transylvania County shall receive a salary of twenty-four hundred dollars ($2,400.00) per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Tax Collector.

SEC. 3. That from and after the first day of January, 1947, the Tax Collector of Transylvania County shall receive a salary of twenty-four hundred dollars ($2,400.00) per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Sheriff.

SEC. 4. That from and after the first day of January, 1947, the Sheriff of Transylvania County shall receive a salary of forty-eight hundred dollars ($4,800.00) per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Accounting of fees collected by officers herein named.

SEC. 5. That all fees collected by the officers herein named shall be accounted for and paid to Transylvania County as provided by law.

Bond required of officers herein named.

SEC. 6. That the officers herein named shall give bond, to be approved by the County Commissioners of Transylvania County, in some bonding company licensed to do business in North Carolina, the premium on the said bond to be paid by Transylvania County.

Clerical assistants authorized.

SEC. 7. That the County Commissioners of Transylvania County are hereby authorized and empowered, in their discretion, to provide for the employment of clerical assistants in any of the county offices in which they deem an assistant necessary and to provide for and pay a reasonable salary thereto.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That the public interest requires that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 364 **CHAPTER 292**

AN ACT RELATING TO THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, AND OTHER OFFICERS OR EMPLOYEES OF CATAWBA COUNTY BY AMENDING CHAPTER 137 OF THE PUBLIC-LOCAL LAWS OF 1937.

The General Assembly of North Carolina do enact:

Ch. 137, Public-Local Laws, 1937, amended, as to salaries of Assistant Clerk and Deputy Clerk, Superior Court, Catawba County.

SECTION 1. Section 1 of Chapter 137 of the Public-Local Laws of 1937 is amended by striking out the words "one hundred fifty dollars ($150.00)" in line 7 of the second paragraph of Subsection (a) and inserting in lieu thereof the following: "two hundred fifty dollars ($250.00)." Section 1 is further amended by striking out the words "eighty-five dollars ($85.00)" in lines 12 and 13 of said paragraph and inserting in lieu thereof "one hundred fifty dollars ($150.00)."

Chapter further amended as to salary of deputy Register of Deeds.

SEC. 2. Said Section 1 of Chapter 137 of the Public-Local Laws of 1937 is amended by striking out the words "one hundred twenty-five dollars ($125.00)" in line 5 of the second para-

Amendment relating to salary of Sheriff.

graph of Subsection (b) and inserting in lieu thereof "two hundred fifty dollars ($250.00)." Said Section is further amended by striking out the words "three thousand five hundred dollars ($3,500.00)" in lines 3 and 4 of Subsection (c) and inserting "five thousand dollars ($5,000.00)."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 371 CHAPTER 293

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Board of County Commissioners, Northampton County.

SECTION 1. The Chairman of the Board of County Commissioners of Northampton County shall receive a per diem of ten dollars ($10.00), and each other member of the board shall receive a per diem of seven dollars and fifty cents ($7.50) for each day they attend meetings of the board for the transaction of county business.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 376 **CHAPTER 294**

AN ACT TO AMEND CHAPTER 501 OF THE SESSION LAWS OF 1945 RELATING TO THE SALARIES OF THE ASSISTANT OR DEPUTY CLERK OF THE SUPERIOR COURT AND DEPUTY REGISTER OF DEEDS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 501, Session Laws, 1945, amended to increase salary of Deputy Clerk of Superior Court, Hertford County.

SECTION 1. That Section 1 of Chapter 501 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the words and figures "nine hundred dollars ($900.00)" in line 4 of said Section and inserting in lieu thereof the words and figures "twelve hundred dollars ($1,200.00)".

Chapter further amended to increase salary of Deputy Register of Deeds.

SEC. 2. That Section 1 of Chapter 501 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the words and figures "one thousand and two hundred dollars ($1,200.00)" in line 9 of said Section and inserting in lieu thereof the words and figures "fifteen hundred dollars ($1,500.00)".

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 381 **CHAPTER 295**

AN ACT TO FIX THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Rutherford County.

SECTION 1. From and after July 1st, 1947, the present salary of the Sheriff of Rutherford County shall be three thousand six hundred dollars ($3,600.00) per annum.

Salary of Clerk Superior Court.

SEC. 2. From and after July 1st, 1947, the present salary of the Clerk of the Superior Court of Rutherford County shall be three thousand six hundred dollars ($3,600.00) per annum.

Salary of Register of Deeds.

SEC. 3. From and after July 1st, 1947, the present salary of the Register of Deeds of Rutherford County shall be three thousand dollars ($3,000.00) per annum.

No additional fees or commissions allowed.

SEC. 4. The said sheriff, Clerk of the Superior Court and register of deeds shall not be paid or receive any other salaries, commissions or fees in addition to the above for all their services rendered.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 440 CHAPTER 296

AN ACT RELATING TO THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, AND COUNTY COMMISSIONERS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of County Commissioners, Dare County.

SECTION 1. The Board of County Commissioners of Dare County shall receive eight dollars ($8.00) per day for each day they are in session for the transaction of the county's business and shall receive mileage of five cents (5c) per mile for each trip made from their homes to the county seat and return to attend such meetings.

Salary of Sheriff.

SEC. 2. The Board of Commissioners of Dare County is authorized and empowered to determine and fix the salary of the sheriff of said county but not in excess of two hundred dollars ($200.00) per month.

Compensation of members of County Board of Education.

SEC. 3. The County Board of Education of Dare County shall receive eight dollars ($8.00) per day for each day they are in session for the transaction of the county's business and shall receive mileage of five cents (5c) per mile for each trip made from their homes to the county seat and return to attend such meetings.

Salary of Clerk of Superior Court and Register of Deeds.

SEC. 4. The Board of Commissioners of Dare County is authorized and empowered to determine and fix the salary of the Clerk of the Superior Court and the Register of Deeds at a sum not to exceed one hundred eighty-five dollars ($185.00), each, per month, said salary to be in full payment of all services rendered by the Clerk of the Superior Court as juvenile judge, clerk of the recorder's court, and county accountant, and for all other duties performed by him on behalf of Dare County. The salary authorized for the Register of Deeds shall include all services rendered by him as clerk of the county board of commissioners and any and all other services rendered to Dare County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 479 CHAPTER 297

AN ACT RELATING TO THE FEES OF THE REGISTER OF DEEDS OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

Fees of Register of Deeds, Hoke County, for recording chattel mortgages and crop liens.

SECTION 1. The fees of the Register of Deeds of Hoke County for recording chattel mortgages and crop liens shall be as follows:

For recording, indexing, and cross-indexing each chattel mortgage, the sum of forty cents (40c);

For recording, indexing, and cross-indexing each standard form crop lien, the sum of sixty cents (60c); all others, one dollar ($1.00).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 485 **CHAPTER 298**

AN ACT REGULATING THE SALARIES OF CERTAIN OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Salary of Clerk Superior Court, Wake County.

SECTION 1. That the Clerk of the Superior Court of Wake County shall receive a salary of five thousand dollars ($5,000.00) per annum, payable in equal monthly installments, *provided* that nothing contained in this Act shall affect compensation or salary received by the Clerk of the Superior Court of Wake County from any other source.

Salaries of Sheriff, Register of Deeds, Treasurer and Auditor.

SEC. 2. That the Sheriff, the Register of Deeds, the Treasurer and the Auditor of Wake County shall each receive a salary of four thousand five hundred dollars ($4,500.00) per annum, payable in equal monthly installments, in full for his services as such county officer.

Salary of Coroner.

SEC. 3. That the Coroner of Wake County shall receive a salary at the rate of two thousand four hundred dollars ($2,400.00) per annum, payable in equal monthly installments, in full for his services as such officer.

Salaries of Tax Collector and Tax Supervisor.

SEC. 4. That the Tax Collector and Tax Supervisor of Wake County shall each receive a salary to be fixed by the Board of County Commissioners of Wake County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after the 1st day of July, 1947.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 492 **CHAPTER 299**

AN ACT PROVIDING FOR THE FIXING OF THE SALARY AND COMPENSATION FOR THE MEMBERS OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Salary of Chairman and members of Board of Commissioners, Beaufort County.

SECTION 1. The Chairman of the Board of Commissioners for Beaufort County shall receive a monthly salary of fifty dollars ($50.00), and each of the other Members of the Board

of Commissioners for Beaufort County shall receive a monthly salary of twenty-five dollars ($25.00).

Mileage allowance to members of Board.

SEC. 2. The Members of the Board of Commissioners for Beaufort County shall receive five cents (5c) per mile for each mile of travel in attending meetings of the Board of Commissioners for Beaufort County, or in attending to other lawfully authorized business for the County of Beaufort.

Above salaries in lieu of other compensation.

SEC. 3. The salaries authorized by Section 1 of this Act, and the mileage allowance authorized by Section 2 of this Act shall be in lieu of all other compensation now being received by the Members of the Board of Commissioners for Beaufort County, either as commissioners or while serving as a board of equalization or for any other duties incident to said office.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 499 **CHAPTER 300**

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF MACON COUNTY FOR HIS SERVICES IN ACTING AS JUDGE OF THE JUVENILE COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Clerk Superior Court, Macon County, as judge of county juvenile court.

SECTION 1. In addition to all other fees or compensation now paid to the Clerk of the Superior Court of Macon County, the Clerk of the Superior Court of Macon County shall be paid the sum of nine hundred dollars ($900.00) a year, payable in equal monthly installments out of the general fund of Macon County as compensation for his services as judge of the juvenile court of said county. That for the year of 1947, the compensation herein provided shall be paid to said clerk retroactive to January 1st, 1947.

Application of Act.

SEC. 2. That this Act shall apply to Macon County only.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 522 CHAPTER 301

AN ACT TO FIX THE SALARY OF THE RECORDER AND SOLICITOR OF THE MUNICIPAL COUNTY COURT OF THE COUNTY OF LENOIR.

The General Assembly of North Carolina do enact:

Salary of Recorder of Municipal County Court, Lenoir County.

SECTION 1. That the salary of the Recorder of the Municipal County Court of the County of Lenoir be, and the same is hereby, fixed at four thousand dollars ($4,000.00) per year, payable in equal monthly installments, one-half of said annual salary to be paid by the County of Lenoir and one-half by the City of Kinston. That the salary herein fixed and provided for the Recorder of the Municipal County Court of the County of Lenoir shall not be retroactive for the year of 1947, but shall begin and be in effect from and after April 1st, 1947.

Salary of Solicitor of Municipal County Court.

SEC. 2. That the salary of the Solicitor of the Municipal County Court of the County of Lenoir be, and the same is hereby, fixed at three thousand dollars ($3,000.00) per year, payable in equal monthly installments, one-half of said annual salary to be paid by the County of Lenoir and one-half by the City of Kinston. That the salary herein fixed and provided for the Solicitor of the Municipal County Court of the County of Lenoir shall not be retroactive for the year of 1947, but shall begin and be in effect from and after April 1st, 1947.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 536 **CHAPTER 302**

AN ACT TO AMEND CHAPTER 384 OF THE PUBLIC-LOCAL LAWS OF 1941, RELATING TO THE COMPENSATION OF CERTAIN OFFICERS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 384 of the Public-Local Laws of 1941 be, and the same is hereby amended by striking out Section 1 and inserting in lieu thereof a new Section to read as follows, to-wit:

Ch. 384, Public-Local Laws, 1941, amended.

SECTION 1. The Register of Deeds of Stokes County may at any time hereafter employ or appoint an assistant or deputy at a monthly salary not to exceed one hundred and thirty-five ($135.00), which salary shall be paid by the county out of the general fund.

Appointment and compensation of Deputy Register of Deeds, Stokes County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting Laws repealed.

SEC. 3. This Act shall apply only to Stokes County.

Application of Act.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 555 **CHAPTER 303**

AN ACT TO REGULATE THE FEES OF THE VARIOUS JUSTICES OF THE PEACE OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the various Justices of the Peace of Forsyth County shall receive the following fees and none other:

Schedule of fees for Justices of Peace, Forsyth County.

Issuing summons, sixty cents (60c) where there is one defendant, and twenty cents (20c) for each additional defendant;
Trial and/or judgment, two dollars ($2.00);
Docketing judgment, twenty-five cents (25c);
Transcript of judgment, twenty-five cents (25c);
Issuing subpoena, twenty-five cents (25c) for each witness;
Taking affidavit, twenty-five cents (25c);
Jury trial and verdict, one dollar ($1.00);
Issuing execution, fifty cents (50c);

Return to notice of appeal, fifty cents (50c);

Warrant of arrest in criminal actions, one dollar ($1.00);

Warrant of commitment, fifty cents (50c);

Issuing claim and delivery papers, including summons, affidavit, bond, order to seize property, and the trial of the same if issues are joined, two dollars and fifty cents ($2.50);

Issuing attachment papers, including application, affidavit, bond and order to seize property, two dollars and fifty cents ($2.50);

Recognizing witnesses, fifteen cents (15c) for each witness;

Affidavit and order of removal, fifty cents (50c);

Capias and order, one dollar ($1.00);

Probate or acknowledgment of deed, chattel mortgage, or other paper writing, twenty-five cents (25c) for each signer thereof;

Taking any bond, fifty cents (50c);

Allotting widow's year's allowance, two dollars ($2.00);

Taking depositions, twenty cents (20c) each copy sheet;

Garnishment of taxes, fifty cents (50c);

Issuing notices, twenty cents (20c) each copy;

Filing and docketing lien, seventy-five cents (75c);

Conflicting Laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 7 **CHAPTER 304**

AN ACT TO PROMOTE SAFETY ON THE HIGHWAYS OF THE STATE BY PROHIBITING THE MAINTENANCE OF OBSTRUCTIONS TO VIEW AT THE ENTRANCE TO ANY SCHOOL, CHURCH, OR PUBLIC INSTITUTION ON THE PUBLIC HIGHWAYS OF THE STATE.

Preamble:

Billboards obstructing view at entrance to public institutions on public highway.

THAT WHEREAS, the erection or maintenace of large billboards at or near the entrance to schools, churches, and public institutions located along the highways of the State obstruct the view of students, members and others entering the

highways from the walks and drives of said institutions and likewise obstructs the view of those using the highways at same points, thereby endangering the safety and lives of said persons: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to construct or maintain outside the limits of any city or town in this State any billboard larger than six square feet at or nearer than two hundred feet to the point where any walk or drive from any school, church, or public institution located along any highway enters such highway except under the following conditions: Regulation of construction of billboards near schools, churches and other public institutions along highway.

(a) Such billboard is attached to the side of a building or buildings which are or may be erected within two hundred feet of any such walk or drive and the attachment thereto causes no additional obstruction of view.

(b) A building or other structure is located so as to obstruct the view between such walk or drive and such billboard.

(c) Such billboard is located on the opposite side of the highway from the entrance to said walk or drive.

SEC. 2. That any person, firm, or corporation convicted of violating the provisions of this Act shall be guilty of a misdemeanor and punished by a fine of ten dollars ($10.00), and each day that such violation continues shall be considered a separate offense. Violations made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting Laws repealed.

SEC. 4. This Act shall be in full force and effect from and after the 30th day of June, 1947. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 562 CHAPTER 305

AN ACT TO FIX THE SALARIES OF THE JUDGE AND SOLICITOR OF THE RECORDER'S COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after January 1st, 1947, the present salary of the Judge of the Recorder's Court of Rutherford County shall be twenty-four hundred dollars ($2,400.00) Salary of Judge of Recorder's Court, Rutherford County.

per annum. That the County Commisioners of Rutherford County shall have the authority to increase the salary by twenty-five per cent (25%).

Salary of Solicitor of Recorder's Court.

SEC. 2. That from and after January 1st, 1947, the present salary of the Solicitor of the Recorder's Court of Rutherford County shall be twenty-one hundred dollars ($2,100.00) per annum. That the County Commissioners of Rutherford County shall have the authority to increase the salary by twenty-five per cent (25%).

Conflicting Laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 563 **CHAPTER 306**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO FIX THE COMPENSATION OF SUPERIOR COURT JURORS.

The General Assembly of North Carolina do enact:

Compensation of Superior Court Jurors, Union County.

SECTION 1. The Board of County Commissioners of Union County is hereby authorized and empowered to determine the compensation of Superior Court jurors in said county: *Provided,*

Grand jurors and regular jurors.

(1) That fees paid to grand jurors and to regular jurors serving in the Superior Court shall not exceed the sum of five dollars ($5.00) per diem for each day's service;

Tales jurors.

(2) That fees paid to tales jurors serving in the Superior Court shall not exceed the sum of three dollars ($3.00) per diem for each day's service.

Mileage allowance to regular and grand jurors.

SEC. 2. In addition to the compensation provided in Section 1 of this Act, regular jurors of the Superior Court and grand jurors shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting Laws repealed.

SEC. 4. This Act shall be effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 564 **CHAPTER 307**

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICERS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Union County shall be authorized to fix the compensation of the Clerk of the Superior Court at a salary of not less than twenty-seven hundred dollars ($2,700.00) per year and not more than thirty-three hundred dollars ($3,300.00) per year, payable monthly by the board of county commissioners from the general fund of the county, and shall be authorized to fix the compensation of the assistant clerk of the superior court at a salary of not less than thirteen hundred and fifty dollars ($1,350.00) per year and not more than sixteen hundred and fifty dollars ($1,650.00) per year, payable monthly by the board of county commissioners from the general fund of the county. Compensation of Clerk Superior Court, Union County. Compensation of Assistant Clerk.

SEC. 2. That the County Commissioners of Union County shall be authorized to fix the compensation of the register of deeds at a salary of not less than two thousand dollars ($2,000.00) per year and not more than two thousand four hundred dollars ($2,400.00) per year, payable monthly by the board of county commissioners from the general fund of the county, and shall be authorized to fix the compensation of the deputy register of deeds at a salary of not less than fifteen hundred dollars ($1,500.00) per year and not more than twenty-one hundred dollars ($2,100.00) per year, payable monthly by the board of county commissioners out of the general fund of the county. Compensation of Register of Deeds. Compensation of Deputy Register of Deeds.

SEC. 3. That the Board of County Commissioners of Union County shall be authorized to fix the compensation of the Deputy Sheriff of Union County at a salary of not less than Compensation of Deputy Sheriff.

twenty-one hundred dollars ($2,100.00) per year and not more than twenty-four hundred dollars ($2,400.00) per year, payable monthly by the board of county commissioners from the general fund of the county.

Fees of Coroner.

SEC. 4. The Coroner of Union County shall reecive the following fees:

For holding an inquest over a dead body as provided by law, the sum of ten dollars ($10.00); if necessarily engaged more than one day, for each additional day the sum of five dollars ($5.00).

For making an investigation as provided by law and when no inquest may be held, the sum of five dollars ($5.00) plus an allowance of five cents (5c) per mile for travel expenses; if necessarily engaged more than one day, five dollars ($5.00) per day for each additional day plus mileage allowance as above provided.

Conflicting Laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 577 CHAPTER 308

AN ACT TO AMEND CHAPTER 347 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE PAY OF JURORS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 347, Public. Local Laws, 1939, amended.

SECTION 1. That Section 69 of Chapter 347 of the Public-Local Laws of 1939 be, and the same is hereby, amended by striking out the following language in the first four lines of said Section:

"Juror's compensation, all jurors sworn, empanelled and used in any court in Wayne County, shall be entitled to the sum of two dollars ($2.00) per day and mileage"; and the following substituted in lieu thereof:

Compensation of jurors, Wayne County.

The compensation of all jurors, sworn, empanelled and used in any court in Wayne County shall be fixed by the board of

county commissioners of said county, in their discretion, in an amount of not less than two dollars ($2.00) nor more than four dollars ($4.00) per day, and in addition shall receive mileage ***. Mileage Allowance.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting Laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

H. B. 486 **CHAPTER 309**

AN ACT TO AMEND CHAPTER 270 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION 1929, BEING AN ACT TO FIX THE SALARY OF THE SHERIFF OF WAKE COUNTY AND AUTHORIZE THE APPOINTMENT OF DEPUTIES, CLERKS AND ASSISTANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 270 of the Public-Local and Private Laws of North Carolina, Session 1929, be and the same is hereby amended by inserting immediately following the period after the word "county" and before the word "the" in line 23 from the top of page 237 the following: Ch. 270, Public-Local Laws, 1929 amended.

The board of county commissioners may in its discretion provide and furnish to the Office of the Sheriff of Wake County such other automobiles and/or vehicles as the said board may find necessary for the proper performance of the official duties of the office of the sheriff, and shall allow the actual expenses of the operation, maintenance and upkeep of such automobiles and/or motor vehicles. All automobiles or motor vehicles so furnished shall be used only in the performance of the duties of the office of the sheriff. Motor vehicles furnished to Sheriff, Wake County, as required for performance of duties.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting Laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1947.

S. B. 32 CHAPTER 310

AN ACT TO DEFINE AND PREVENT DISORDERLY CONDUCT AT AIRPORTS AND IN AIRPORT TERMINALS IN THIS STATE.

The General Assembly of North Carolina do enact:

Disoderly conduct at bus, railroad and airport terminals made misdeameanor.

SECTION 1. Any person shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days, in the discretion of the court, if such person while at, or upon the premises of, (1) any bus station, depot or terminal, or (2) any railroad passenger station, depot or terminal, or (3) any airport of air terminal used by any common carrier, or (4) any airport or air terminal owned or leased, in whole or in part, by any county, municipality or other political subdivision of the State, or privately owned airport shall (a) engage in disorderly conduct, or (b) use vulgar, obscene or profane language, or (c) on any one occasion, without having necessary business there, loiter and loaf upon the premises after being requested to leave by any peace officer or by any person lawfully in charge of such premises.

SEC. 2. This Act shall take effect upon ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 65 CHAPTER 311

AN ACT TO AMEND SECTION 160-178 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE ALTERNATE MEMBERS ON BOARDS OF ADJUSTMENT CREATED UNDER SAID SECTION.

The General Assembly of North Carolina do enact:

G. S. 160-178, amended to provide for appointment of alternate members of municipal boards of adjustment.

SECTION 1. Section 160-178 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting after the period following the word "time" and before the word "such" in line thirteen thereof, the following:

Such legislative body may, in its discretion, appoint two alternate members to serve on such board in the absence, for any cause, of any regular member. Such two alternate members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment. Provided, however, that in the case of the first appointment of alternate members subsequent to the effective date of this Act the appointment shall be for a term which shall expire at the next time when the term of any regular member expires. Such alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent. Terms of alternate members.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 78 **CHAPTER 312**

AN ACT TO COMPLETE THE CESSION OF JURISDICTION BY THE STATE OF NORTH CAROLINA TO THE UNITED STATES OVER LANDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, BY EXTENDING THE CESSION OF EXCLUSIVE JURISDICTION MADE BY THE ACT OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, APPROVED MARCH 18TH, 1929 (PUBLIC ACTS OF NORTH CAROLINA, 1929, P. 272) TO ALL LANDS IN SAID STATE WHICH MAY BE ACQUIRED BY THE UNITED STATES FOR THE PARK.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of the Act of March 18th, 1929 (Public Acts of North Carolina, 1929, p. 272), ceding to the United States exclusive jurisdiction, subject to certain Exclusive jurisdiction of United States, over certain Park Lands in State extended.

reservations, in and over lands conveyed to it by the State of North Carolina for the Great Smoky Mountains National Park, shall be, and the same are hereby, extended to all lands in North Carolina which have been or which may be acquired hereafter by the United States from sources other than the State of North Carolina and included within the Park; *provided, however,* that nothing in this Act shall be construed to affect any lands hereafter acquired by the Federal Government through purchase from citizens of Swain County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 85 **CHAPTER 313**

AN ACT TO VALIDATE ACTS OF NOTARIES PUBLIC IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

Acts of notaries public in certain instances validated.

SECTION 1. (a) The acts of any person heretofore performed after appointment as a notary public and prior to qualification as a notary public

(1) In taking any acknowledgment, or
(2) In notarizing any instrument, or
(3) In performing any act purportedly in the capacity of a notary public

are hereby declared to be valid and of the same legal effect as if such person had qualified as a notary public prior to performing any such acts.

Instruments with respect to such acts validated.

(b) All instruments with respect to which any such person as is described in Subsection (a) of this Section has purported to act in the capacity of a notary public shall have the same legal effect as if such person acting as a notary public had in fact qualified as a notary public prior to performing any acts with respect to such instruments.

Pending litigation unaffected.

SEC. 2. The provisions of this Act shall not be effective as to any pending litigations.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 136 **CHAPTER 314**

AN ACT TO AMEND CHAPTER 472 OF THE PUBLIC-LOCAL LAWS OF 1911 AS AMENDED TO GIVE THE RECORDER'S COURT OF EDGECOMBE COUNTY JURISDICTION IN DIVORCE ACTIONS AND TO FIX THE PROCEDURE IN COMMENCEMENT OF CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Ch. 472, Public-Local Laws, 1911, amended.

SECTION 1. Chapter 472 of the Public-Local Laws of 1911 is amended by rewriting Section 13 to read as follows:

Procedure for civil actions in Recorder's Court, Edgecombe County.

SEC. 13. All civil actions, save and except divorce actions, shall be commenced in said recorder's court upon the plaintiff filing complaint and the Clerk of the Superior Court issuing summons; said summons being returnable before the judge of said recorder's court; that the defendant shall file written answer or demurrer within ten days after service of said summons and copy of said complaint and the case shall stand for trial on the Monday following the expiration of ten days from the service of summons and complaint. That all statutes applicable to service of summons by publication or otherwise for actions commenced in the Superior Court shall be applicable to actions commenced in the Recorder's Court of Edgecombe County except that the defendant shall have only ten days to file answer or demurrer after completion of service of summons and complaint.

Chapter further amended to give Recorder's Court jurisdiction of divorce actions.

SEC. 2. Chapter 472 of the Public-Local Laws of 1911 is amended by adding a new Section immediately following Section 11 to read as follows:

Procedure for divorce actions.

SEC. 11½. The Recorder's Court of Edgecombe County shall have concurrent, original, and final jurisdiction with the Superior Courts of all actions for divorce. The commencement of such actions, service of process, filing of pleadings, orders and judgments shall be the same as now had in divorce actions in the Superior Court; that the fees, costs and jury tax now provided for in the Superior Court shall be applicable to the Recorder's Court of Edgecombe County. The jury to

Jury for trial of divorce cases.

try said divorce actions shall be twelve in number and may be composed entirely of talesmen to be summoned by order of Clerk of Superior Court and said tales jurors shall be sworn, empaneled, serve and be paid in the same manner as tales jurors are in the Superior Court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 164 CHAPTER 315

AN ACT TO AMEND SECTION 153-77 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ISSUANCE OF BONDS AND TAX LEVIES BY COUNTIES SO AS TO GIVE SPECIAL APPROVAL OF THE GENERAL ASSEMBLY TO THE ISSUANCE BY SURRY COUNTY OF BONDS AND NOTES AND THE LEVYING OF TAXES FOR THE PAYMENT THEREOF FOR THE PURPOSE OF ERECTING A BUILDING OR BUILDINGS FOR THE USE OF COUNTY FARM AGENTS AND ASSOCIATED AGENCIES.

The General Assembly of North Carolina do enact:

G. S., 153-77, amended, to authorize special purpose bond issue and tax levy, Surry County, under County Finance Act.

SECTION 1. That Section 153-77 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

In addition to the purposes outlined in Subsections (a) to (k), inclusive of this Section, special approval is given by the General Assembly to the issuance by Surry County of bonds and notes for the special purpose and to the levy of property taxes for the payment of such bonds and notes and interest thereon under the terms and conditions described in this Section for the special purpose of the erection and purchase of buildings, including the necessary land and equipment therefor, for the use of the county farm agents and associated agencies, and county welfare officers.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting Laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 169 **CHAPTER 316**

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Every person, firm, association or corporation, who shall engage in the business of signing, executing, and becoming surety on appearance bonds in any court in Robeson County for a fee or compensation and any person or persons employed by such person, firm, association or corporation in such business shall apply for and obtain from the County of Robeson, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Robeson County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year.

License required of professional bondsmen, Robeson County.

License tax.

Period of license.

SEC. 2. In addition to the privilege license provided for in Section 1 of this Act, every person, firm, association or corporation, who shall engage in the business of signing, executing and becoming surety on appearance bonds in any court in Robeson County for a fee or compensation, shall, as a condition precedent to signing, executing, and becoming surety upon any appearance bond, deposit with the Clerk of the Superior Court of Robeson County not less than three thousand dollars ($3,000.00) in cash or marketable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of the Superior Court of Robeson County that such cash or marketable securities shall, at all times, be available for the purpose of the payment of any bonds signed by such person, firm, association or corporation, which has been declared by the court to be forfeited. If the amount of any such forfeited bond is not paid within ten days from the date of the forfeiture, the Clerk of the Superior Court of Robeson County is authorized to apply the amount of the forfeiture out of said deposit and the person, firm, association, or corporation, whose deposit is thus re-

Bondsmen required to make deposit with Clerk Superior Court.

Procedure in forfeiture cases.

duced, shall immediately, upon notice by the Clerk of the Superior Court of Robeson County, deposit an additional sum with the Clerk of the Superior Court of Robeson County in order that the deposit shall always be in at least the sum of three thousand dollars ($3,000.00), either in cash or marketable securities.

Fees of bondsmen regulated.

SEC. 3. No person, firm, association, or corporation, who shall execute or become surety upon any appearance bond in any court in Robeson County, shall charge as a fee therefor, and for all services in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, provided that a minimum fee of five dollars ($5.00) is allowed where the amount of the bond is one hundred dollars ($100.00) or less.

Attorneys ineligible as bondsmen.

SEC. 4. No licensed attorney, or his wife, child, or member of his household shall become surety on any appearance bond in a criminal action instituted or pending in any court in Robeson County in which such attorney appears.

Violations made misdemeanor.

SEC. 5. Any person, firm, associaion, or corporation, who shall engage in the business defined in Section 1 of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court, and conviction under this Act shall carry with it revocation of the license provided for herein.

Qualification of bondsmen.

SEC. 6. The Board of Commissioners of Robeson County shall not issue the license provided for in this Act, unless and until said board is satisfied from an affirmative showing made by the applicant that said applicant is a person of good moral character, and said board shall be the sole judge as to whether an applicant is a person of good moral character for the purpose of being licensed under this Act.

Act not applicable to bonding companies licensed by State.

SEC. 7. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Application of Act.

SEC. 8. That this Act shall apply to Robeson County only.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 171 **CHAPTER 317**

AN ACT RELATING TO TAX SALES AND TAX FORECLOSURES BY THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Certain tax sales, Town of Aulander, validated.

SECTION 1. That the sales of lands for failure to pay Town of Aulander taxes for the years 1943 and 1944 are hereby in all respects validated, ratified and confirmed.

Time extended for 1945 foreclosures.

SEC. 2. That the time for conducting sales of lands for failure to pay Town of Aulander taxes for the year 1945 is hereby extended to and including the first Monday in July, 1947.

Extension of time for action on tax liens for 1937 through 1945.

SEC. 3. That no tax lien and no tax sale certificate held by the Town of Aulander, Bertie County, North Carolina, for the years 1937 to and including the year 1945 shall, for any reason whatsoever, become barred from action thereon or foreclosure thereof before the thirty-first day of December, 1947.

Pending litigation unaffected.

SEC. 4. That this Act shall not affect pending litigation.

Partial invalidity section.

SEC. 5. That if any part of this Act shall be declared unconstitutional it shall not affect any other part of the Act.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 187 **CHAPTER 318**

AN ACT TO AMEND CHAPTER 211, PRIVATE LAWS OF NORTH CAROLINA OF 1929, RELATING TO THE CHARTER OF THE TOWN OF FOUR OAKS, JOHNSTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 211, Private Laws, 1929, amended to increase property tax Town of Four Oaks.

SECTION 1. Chapter 211, Section 31, Private Laws of North Carolina, 1929 Session, is hereby amended by striking out the words "sixty-six and two-thirds cents" and inserting in lieu thereof the words "one dollar."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 190 **CHAPTER 319**

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO EXCHANGE CERTAIN REAL ESTATE FOR WATERSHED PROPERTY.

The General Assembly of North Carolina do enact:

Town of Waynesville authorized to exchange certain watershed property.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Waynesville are hereby authorized, empowered and directed, without advertising for sale, to exchange certain property heretofore acquired in connection with the purchase of watershed property for other property adjacent to its present watershed for the purpose of adding to and improving its watershed property, and to cause to be executed a deed of conveyance as of a private sale without advertising, in consideration of property to be conveyed in such exchange.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed in so far as they affect the Town of Waynesville.

SEC. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 191 **CHAPTER 320**

AN ACT TO FIX THE COMPENSATION OF REGULAR, TALES AND GRAND JURORS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Compensation of jurors, Haywood County.

SECTION 1. All regular and tales jurors serving in the Superior Court of Haywood County and all grand jurors

in said county shall be paid four dollars ($4.00) per diem for each day's service as jurors, and in addition thereto, such jurors shall receive such travel allowance as is now provided by law.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 198 **CHAPTER 321**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STANLEY, NORTH CAROLINA, SO AS TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 4 of Chapter 233 of the Private Laws of the State of North Carolina for the year 1911 is hereby amended by adding at the end of said Section the following: Ch. 233, Private Laws, 1911, amended to extend corporate limits, Town of Stanley.

The present corporate limits of the Town of Stanley shall be extended so as also include the following described territory, to-wit:

Beginning at a stake in the westerly line of the corporate limits of the Town of Stanley, said stake being situate North 28 West 3000 feet from the southwesterly intersection on said limits and Plum Street, and runs South 62 West 100 feet to a stake; thence North 28 West 1092 feet to a stake; thence North 55 degrees 27 minutes East 1168 feet to a stake in northeasterly edge of a county road; thence North 3 West 890 feet to a stake; thence South 84 degrees 45 minutes East 794 feet to a stake; thence South 1 West 198 feet to a stake; thence South 84 degrees 45 minutes East 783 feet to a stake in the westerly edge of the right of way of the Seaboard Airline Railway Company; thence with the westerly edge of said right of way South 100 feet to a stake in the old town line; thence with the old town line South 62 West 2684 feet to a stake, a corner of the old town line; thence Extended corporate limits defined.

with the old town line South 28 East to the point of beginning.

Effective date.

SEC. 2. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 208

CHAPTER 322

AN ACT TO AMEND CERTAIN PRIVATE ACTS RELATING TO THE CITY OF GREENSBORO, TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENSBORO TO SELL AND CONVEY CERTAIN PROPERTY BELONGING TO THE CITY, TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENSBORO TO OFFER AND PAY REWARDS FOR THE CONVICTION OF PERSONS TURNING IN FALSE FIRE ALARMS, AND TO VALIDATE SPECIAL ASSESSMENTS LEVIED BY THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Ch. 164, Private Laws, 1929, amended.

SECTION 1. Chapter 164, Private Laws of 1929, as amended, is hereby amended by striking out Section 3 thereof and substituting therefor a new Section 3 as follows:

Administering board of Emergency Reserve Fund of City of Greensboro.

SEC. 3. The Mayor of the City of Greensboro, the City Manager of the City of Greensboro, the Chief of Police of the City of Greensboro, and their successors in office, and two members of the Police Department of the City of Greensboro, each of whom shall serve for a period of one year, and shall be elected at a meeting of the police officers of the City of Greensboro, to be called by the chief of police for that purpose during the month of April of each year, are hereby created a board to administer the provisions of this Act; and said board shall elect its own chairman and also

Commissioner of Emergency Fund of the City of Greensboro.

appoint an officer of the board, who may but need not be a member of the board, to be known as "Commissioner of the Emergency Fund of the City of Greensboro," who shall act as secretary to the board and treasurer of the fund and shall act under the instructions of the board in all matters pertaining to the administration of this Act.

Chapter further amended to increase fee taxable in certain criminal actions, for benefit of fund.

SEC. 2. Chapter 164, Private Laws of 1929, Section 5, is hereby amended by striking out the word "one" appearing between the word "of" and the word "dollar" in line 5 and substituting in lieu thereof the word "two." Said Section 5 is further amended by striking out the figures "($1.00)"

following the word "dollar" in line 5 and substituting therefor the figures "($2.00)."

Greensboro City Council authorized to convey certain property to Mrs. Bessie Sherwood.

SEC. 3. The City Council of the City of Greensboro may by resolution authorize and direct the conveyance of the hereinafter described property to Mrs. Bessie Sherwood (widow) for the sum of twenty thousand dollars ($20,000.00) without publication of notice of sale, or advertising for bids and at private sale, the said property having been acquired by the City of Greensboro for the sum of twenty thousand dollars ($20,000.00) from the said Mrs. Bessie Sherwood with the understanding that said property would be used by the City of Greensboro in connection with the Van Noppen property for governmental purposes. The Governmental Project has been abandoned by the City of Greensboro and the Van Noppen property has been disposed of by the City of Greensboro, the property to be conveyed to Mrs. Bessie Sherwood, if authorized by the City Council of the City of Greensboro, being described as follows:

Description of property to be conveyed.

Beginning at a point in the present northern margin of West Gaston Street, said point being South 86 degrees 42 minutes East 206.77 feet from the present northeast intersection of West Gaston Street and North Edgeworth Street; thence with the present northern margin of West Gaston Street South 86 degrees 42 minutes East 71.0 feet to a point, said point being R. H. Brooks' southwest corner; thence with R. H. Brooks' west line North 03 degrees 47 minutes East 321.0 feet to a stake in R. L. Blaylock's line; thence with the Blaylock line North 86 degrees 42 minutes West 69.6 feet to Luther H. Butler's northeast corner in the Blaylock line; thence with Luther H. Butler's east line South 04 degrees 02 minutes West 321 feet to the point of beginning.

Rewards for conviction of persons turning in false fire alarms authorized.

SEC. 4. The City Council of the City of Greensboro is authorized and empowered to offer and to pay rewards for the conviction of any person or persons alleged to have turned in a false fire alarm to any fire station within the corporate limits of the City of Greensboro, by means of any fire alarm system, telephone or otherwise. The City Council of the City of Greensboro shall by ordinance fix the terms, conditions and the amount of such reward not to exceed $50.00 per person convicted, and the city council shall be the sole judge as to who shall be entitled to the collection of any reward. A reward as herein provided shall be paid only by order

of the City Council from the general fund of the City of Greensboro.

Special assessments validated.

SEC. 5. All special assessments heretofore levied by the City of Greensboro are hereby validated.

Pending litigation unaffected.

SEC. 6. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 213 **CHAPTER 323**

AN ACT TO AUTHORIZE THE PASQUOTANK COUNTY BOARD OF ALCOHOLIC CONTROL TO TRANSFER A PART OF THE SURPLUS IN THE LAW ENFORCEMENT FUND TO THE RECREATION COMMISSION OF PASQUOTANK COUNTY AND ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Pasquotank County Board of Alcoholic Control authorized to transfer certain surplus funds to Recreation Commission.

SECTION 1. The Pasquotank County Board of Alcoholic Control is hereby authorized to pay out of, and transfer from, the existing surplus in the Alcoholic Beverage Control Law Enforcement Fund a sum, in its discretion, not exceeding ten thousand dollars ($10,000.00) to the Recreation Commission of Pasquotank County and the City of Elizabeth City, such funds to be expended by said commission for the purposes set out in the Recreation Enabling Law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 226 **CHAPTER 324**

AN ACT ABOLISHING TAXES DUE BUNCOMBE COUNTY AND CITY OF ASHEVILLE FOR 1928 AND PRIOR YEARS.

Preamble:

Condition of certain tax records, Buncombe County and City of Asheville.

WHEREAS, owing to the condition of the records it is impossible to accurately determine what taxes are due the County of Buncombe and City of Asheville for the years 1928 and prior, and

WHEREAS, the governing bodies of the County of Buncombe and City of Asheville have resolved that it is uneconomic to continue the collection of taxes for such years and have requested remedial legislation to abolish such taxes and the liens they have acquired therefrom: *Now, therefore,*

Advisable to discontinue collection of certain taxes.

The General Assembly of North Carolina do enact:

SECTION 1. That all taxes now owing the County of Buncombe or the City of Asheville for the years 1928 and prior are hereby abolished and shall be of no further force and effect and shall not continue to be a lien on the property involved. All pending actions and all judgments involving taxes for such years in which the County of Buncombe or the City of Asheville is the plaintiff and is the sole and only party interested therein are hereby cancelled and declared void. All deeds of conveyance made to the County of Buncombe or City of Asheville as a result of tax foreclosure proceedings on certificates for the years 1928 and prior involving properties which the County of Buncombe and City of Asheville have not heretofore conveyed are hereby declared to be void of no further force and effect, and any such titles so acquired and still retained shall immediately vest in the present owners of the property involved as their interests appear, and the County of Buncombe and City of Asheville are hereby empowered and directed, if such further procedure is legally necessary, to execute a quitclaim deed or deeds conveying all interests which they have acquired and still retain as a result of tax foreclosure proceedings on certificates for the years 1928 and prior to the present owners of the property involved as their interests appear.

Taxes due Buncombe County and City of Asheville for 1928 and prior years abolished.

Litigation thereon cancelled.

Future conveyances under 1928 tax foreclosures declared void.

SEC. 2. That this Act shall not affect the validity of any conveyances heretofore made by the County of Buncombe or City of Asheville of properties the title to which was acquired by them as the result of tax foreclosure proceedings on certificates for the years 1928 and prior, and no person, firm or corporation shall be entitled, as a result of the passage of this Act, to a refund for any taxes paid the County of Buncombe or City of Asheville for the years 1928 and prior. This Act shall not affect the validity of any tax deeds or other liens acquired by any person, firm or corporation other than the County of Buncombe or City of Asheville as a result of tax foreclosure proceedings on certificates for 1928 and prior years.

Validity of certain conveyances not affected.

Application of Act.

SEC. 3. That this Act shall only apply to the County of Buncombe and City of Asheville.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 22 CHAPTER 325

AN ACT TO APPROPRIATE AND TRANSFER $9,300,000 FROM GENERAL FUND TO POST WAR RESERVE FUND, AND AMEND THE POST WAR FUND ACT, CHAPTER 6, SESSION LAWS 1943, TO PROVIDE FOR TRANSFER OF FUNDS FROM THE POST WAR RESERVE FUND TO THE GENERAL FUND.

Preamble:

Appropriations for General Fund operations during 1947-49.

WHEREAS, appropriations providing for General Fund operations during the 1947-49 biennium reflect present inflationary conditions and are the largest in the State's history, exceeding current appropriations by approximately $45,000,000, and,

Purposes of increased appropriations.

WHEREAS, the major part of the increased appropriations is for the purpose of providing a 20% salary increase for public school teachers and other State employees to enable them to meet the present high cost of living, and to make it possible for the State to offer salaries which would attract and hold efficient employees, and,

Estimated revenue collections.

WHEREAS, it is estimated, in the light of present experience, that revenues will be sufficient to meet appropriations, but it is apprehensively recognized that the revenues estimated for the 1947-49 biennium are over $26,000,000 greater than the revenues ever collected in any biennium, other than the present, and are only about 4% less than collections expected to be realized in the present abnormal two-year period ending June 30th, 1947, and,

Period of stabilization anticipated.

WHEREAS, it is generally accepted that a period of economic stabilization is in prospect and a downward adjustment from present inflated conditions is likely to transpire, and that such an adjustment will be reflected in the State's revenue collections, if and when it comes, and,

WHEREAS, a moderate recession in general economic conditions not even bordering on an economic collapse would result in the loss of a large amount of General Fund revenue thereby nullifying the increase in services and salary raises provided in the appropriations, and,

General Fund revenue affected by economic conditions.

WHEREAS, it is futile to make appropriations unless funds to meet these appropriations are, insofar as possible, definitely assured, and,

Assurance of funds to meet appropriations necessary.

WHEREAS, the considerations which make it necessary to increase the pay of public school teachers and other State employees, in fulfillment of the obligation to maintain the public education system and other State services on the highest level possible, also demand that every reasonable effort must be made to insure that these appropriations will be met, and financial chaos, which could result from declining revenue during the next biennium, and be obviated, and,

Measures to insure appropriations will be met, demanded.

WHEREAS, it is considered that the uncertainty of revenue collections can and should be met by the creation of a special reserve fund of $30,000,000 for this purpose, and,

A special reserve fund deemed necessary.

WHEREAS, the General Assembly of 1943, created a Post War Rerseve Fund of $20,000,000, which sum augmented by interest earnings, accrued to June 30th, 1947, amounting to $700,000, now rests in the State Treasury subject to use duly directed by the General Assembly, and,

Post War Reserve Fund created in 1943.

WHEREAS, there are additional surplus funds in the General Fund which are available and may be appropriated and transferred for the purpose of increasing the Post War Reserve Fund to provide a reserve fund aggregating $30,000,000. *Now, therefore,*

Surplus Funds in General Fund which may be transferred to Reserve Fund.

The General Assembly of North Carolina do enact:

SECTION 1. The sum of $9,300,000 is hereby appropriated and transferred from surplus funds in the General Fund to the Post War Reserve Fund.

Transfer of surplus funds authorized.

SEC. 2. Chapter 6, Session Laws of North Carolina, 1943, entitled: "An Act to Create a State Post War Reserve Fund, and Making an Appropriation of Twenty Million Dollars from General Fund of State," be, and the same is hereby amended by repealing and striking out Section 3 thereof and inserting in lieu thereof a new Section 3 as follows:

Ch. 6, Session Laws, 1943, amended.

"SECTION 3. This Reserve Fund shall be for the purpose of protecting against loss of General Fund revenue in a period of declining economy and shrinking tax collections in the General Fund, and transfers may be made from this Reserve

Transfers from Reserve Fund to General Fund upon approval by Governor and Advisory Budget Commission, authorized.

Fund to the General Fund operating account only to replace loss of revenue, which loss may have become great enough to prevent the State from carrying out the purposes and providing funds therefor as contemplated by General Fund appropriations made by the General Assembly; and transfers may be made from this Reserve Fund to the State's General Fund operating account for the purposes set out above by the Governor with the approval of the Advisory Budget Commission."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 127 CHAPTER 326

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, 1943, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW.

The General Assembly of North Carolina do enact:

G. S., 96-4, Subsection (g) relating to records and reports, amended.

SECTION 1. That Article 1, Section 96-4, Subsection (g), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by inserting before the word "each" in line one the following:

(1)

And that said Subsection (g) be further amended by adding thereto another paragraph numbered "(2)" as follows:

Commission authorized to make report on behalf of delinquent employers.

(2) If the Commission finds that any employer has failed to file any report or return required by this Chapter or any regulation made pursuant hereto, or has filed a report which the Commision finds incorrect or insufficient, the Commission may make an estimate of the information required from such employer on the basis of the best evidence reasonably available to it at the time, and make, upon the basis of such estimate, a report or return on behalf of such employer, and the report or return so made shall be deemed to be prima facie correct, and the Commission may make an assessment based upon such report and proceed to collect contributions

due thereon in the manner as set forth in Section 96-10 (b) of this Chapter; *Provided*, however, that no such report or return shall be made until the employer has first been given at least ten days' notice by registered mail to the last known address of such employer: *Provided further*, that no such report or return shall be used as a basis in determining whether such employing unit is an employer within the meaning of this Chapter.

Assessments upon the basis of such reports.

SEC. 2. That Article 1, Section 96-4, Subsection (l), paragraph (2), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the period at the end of the first sentence and adding thereto the following:

Subsection (l), Par. 2, G. S. 96-4, relating to reimbursements amended.

: Provided, no reimbursements so paid shall be charged against any employer's account for the purposes of Section 96-9.

SEC. 3. That Article 1, Section 96-4, Subsection (m), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the next to the last sentence of such Subsection and inserting in lieu thereof the following:

Subsection (m), G. S., 96-4, amended as to procedure on appeals from decisions of Commission.

Upon the filing of such statement the Commission shall, within thirty days, transmit all the papers and evidence considered by it, together with the assignments of errors filed by the appellant to a Judge of the Superior Court holding court or residing in some district in which such appellant either resides, maintains a place of business or conducts business: *Provided, however*, the thirty-day period specified herein may be extended by agreement of parties.

SEC. 4. That Article 1, Section 96-4, Subsection (q), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out said Subsection in its entirety, and inserting in lieu thereof the following:

Subsection (g), G. S., 96-4, relating to subpoenas issued by Commission, amended.

(q) All subpoenas for witnesses to appear before the Commission, and all notices to employing units, employers, persons, firms, or corporations shall be issued by the Commission or its secretary; all such subpoenas shall be directed to any sheriff, constable, or to the marshal of any city or town, who shall execute the same and make due return thereof, as directed therein, under the penalties prescribed by law for a failure to execute and return the process of any court; all such notices to employing units, employers, persons, firms, or corporations shall be served by mailing to the last known address of such employing units, employers, persons, firms, or corporations, by registered mail with a return receipt requested, a copy of such notice at least ten days prior to the date of the scheduled hearing. Such notice shall set forth

the hour, date, place, and purpose of the hearing. Any such return receipt issued by the postal authorities, signed by such employing units, employers, persons, firms, or corporations, shall be prima facie evidence of the service of such notice. All bonds or undertakings required to be given for the purpose of suspending or staying execution shall be payable to the Unemployment Compensation Commission of North Carolina, and may be sued on as are other undertakings which are payable to the State.

G. S., 69-5, rewritten. Unemployment Compensation Administration Fund.

SEC. 5. That Article 1, Section 96-5, Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out said Section, and inserting in lieu thereof the following:

96-5. Unemployment Compensation Administration Fund.

(a) Special Fund. There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund shall be continuously available to the Commission for expenditure in accordance with the provisions of this Chapter, and shall not lapse at any time or be transferred to any other fund. The Unemployment Compensation Administration Fund, except as otherwise provided in this Chapter, shall be subject to the provisions of the Executive Budget Act (Section 143-1 et seq.) and the Personnel Act (Section 143-35 et seq.). All moneys in this fund which are received from the Federal Government or any agency thereof or which are appropriated by this State for the purpose described in Section 96-20 shall be expended solely for the purposes and in the amounts found necessary by the Social Security Administration for the proper and efficient administration of this Chapter. The fund shall consist of all moneys appropriated by this State, all moneys received from the United States of America, or any agency thereof, including the Social Security Administration, and all moneys received from any other source for such purpose, and shall also include any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the Unemployment Compensation Administration Fund or by reason of damage to equipment or supplies purchased from moneys in such fund, and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this Chapter: *Provided,* any interest collected on contributions and/or penalties collected pursuant to this Chapter subsequent to June 30th, 1947, shall be paid into the Special Unemployment Compensation Administration

Fund subject to provisions of the Executive Budget Act.

Composition of fund.

Interest and penalties to special fund.

Fund created by Section 96-5, Subsection (c). All moneys in this fund shall be deposited, administered, and disbursed in the same maner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be maintained in a separate account on the books of the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Compensation Administration Fund provided for under this Chapter. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Unemployment Compensation Administration Fund shall be deposited in said fund.

Administration of fund.

Liability of State Treasurer on official bond.

(b) Replacement of Funds Lost or Improperly Expended. If any moneys received after June 30th, 1941, from the Social Security Administration under Title III of the Social Security Act, or any unencumbered balances in the Unemployment Compensation Administration Fund as of that date, or any moneys granted after that date to this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, are found by the Social Security Administration, because of any action or contingency, to have been lost or expended for purposes other than, or in amounts in excess of those found necessary by the Social Security Administration for the proper administration of this Chapter, it is the policy of this State that such moneys, not available from the Special Unemployment Compensation Administration Fund established by Section 96-5, Subsection (c) of this Chapter, shall be replaced by moneys appropriated for such purpose from the general funds of this State to the Unemployment Compensation Administration Fund for expenditure as provided in Subsection (a) of this Section. Upon receipt of notice of such a finding by the Social Security Administration, the Commission shall promptly pay from the Special Unemployment Compensation Administration Fund such sum if available in such fund; if not available, it shall promptly report the amount required for such replacement to the Governor and the Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This Subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1st, 1941, pursuant to the pro-

Replacement of funds lost or improperly expended.

visions of Title III of the Social Security Act. (Ex. Sess. 1936, c. 1, s. 13; 1941, c. 108, ss. 12, 13.).

Special Unemployment Compensation Administration Fund created.

(c) There is hereby created in the State Treasury a special fund to be known as the Special Unemployment Compensation Administration Fund. All interest and penalties, regardless of when the same became payable, collected from employers under the provisions of this Act subsequent to June 30th, 1947, shall be paid into this fund. No part of said fund shall be expended or available for expenditure in lieu of Federal funds made available to the Commission for the administration of this Act. Said fund shall be used by the Commission for the payment of costs and charges of administration which are found by the Social Security Administration not to be proper and valid charges payable out of any funds in the Unemployment Compensation Administration Fund received from any source. Refunds of interest allowable under Section 96-10, Subsection (e) of this Chapter shall be made from this special fund: *Provided,* such interest was deposited in said fund: *Provided, further,* that in those cases where an employer takes credit for a previous overpayment of interest on contributions due by such employer pursuant to Section 96-10, Subsection (e) of this Chapter, that the amount of such credit taken for such overpayment of interest shall be reimbursed to the Unemployment Compensation Fund from the Special Unemployment Compensation Administration Fund. The Special Unemployment Compensation Administration Fund, except as otherwise provided in this Chapter, shall be subject to the provisions of the Executive Budget Act (Section 143-1 et seq.) and the Personnel Act (Section 143-35 et seq.). All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be maintained in a separate account on the books of the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Special Unemployment Compensation Administration Fund provided for under this Chapter. Such liability on the official bond shall be effective immediatey upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Special Unemployment Compensation Administration Fund shall be deposited in said fund. The moneys in the Special Unemployment Compensation Administration Fund shall be continuously available to the Commision for expenditure in accordance with the provisions of this Section.

Special fund subject to provisions of the Executive Budget Act.

Separate account maintained by State Treasurer.

Subsection (a), G. S., 96-6, relating to unemployment compensation fund, amended.

SEC. 6. That Article 1, Section 96-6, Subsection (a), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the second sentence therein and inserting in lieu thereof the following:

This fund shall consist of:

(1) All contributions collected under this Chapter, together with any interest earned upon any moneys in the fund;
(2) Any property or securities acquired through the use of moneys belonging to the fund;
(3) All earnings of such property or securities;
(4) Any moneys received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act as amended.

Subsection (a), G. S., 96-8, rewritten.

SEC. 7. That Article 2, Section 96-8, Subsection (a), Chapter 96, General Statutes of North Carolina be and the same is hereby repealed and the following inserted in lieu thereof:

The term "year" defined.

(a) (1) The term "year" as used in Section 96-9, Subsection (b), paragraph (4), subparagraph (A), (except when preceded by the word "calendar" or by the word "payroll") means the twelve months' period ending on July 31st of any calendar year.

The term "payroll year", defined.

(2) The term "payroll year" as used in Section 96-9, Subsection (b), paragraph (4), subparagraph (A) means the twelve calendar months ending on June 30th of any calendar year.

Par. (8) sub-section (f), G. S., 96-8, rewritten to include employing units directing operation of vessels.

SEC. 8. That Article 2, Section 96-8, Subsection (f), Chapter 96, General Statutes of North Carolina, be and the same is hereby amended by striking out paragraph (8) therein and inserting in lieu thereof the following:

(8) Any employing unit which maintains an operating office within this State from which the operations of an American vessel operating on navigable waters within or within and without the United States are ordinarily and regularly supervised, managed, directed, and controlled: *Provided*, the employing unit would be an employer by reason of any other paragraph of this Subsection.

Par. (7), subsection (g), G. S., 96-8 amended as to services included in the term "employment."

SEC. 9. That Article 2, Section 96-8, Subsection (g), paragraph (7), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by adding a new subparagraph "(C)" as follows:

(C) Any service of whatever nature performed by an individual for an employing unit on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance

of which the vessel touches at a port in the United States, if such individual is employed on and in connection with such vessel when outside the United States: *Provided,* such service is performed on or in connection with the operations of an American vessel operating on navigable waters within or within and without the United States and such operations are ordinarily and regularly supervised, managed, directed, and controlled from an operating office maintained by the employing unit in this State: *Provided,* further, that this subparagraph shall not be applicable to those services excluded in Section 96-8, Subsection (g), paragraph (8), subparagraph (F).

Par. (8), subsection (g), G. S., 96-8, amended as to service not included in the term employment.

SEC. 10. That Article 2, Section 96-8, Subsection (g), paragraph (8), subparagraph (F), Chapter 96, General Statutes of North Carolina be and the same is hereby repealed and the following inserted in lieu thereof:

(F) Service performed on or in connection with a vessel not an American vessel by an individual, if the individual is performing service on and in connection with such vessel when outside the United States; or, service performd by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (i) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (ii) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the registered tonnage of merchant vessels under the laws of the United States).

Subsection (n), G. S., 96-8, rewritten.

SEC. 11. That Article 2, Section 96-8, Subsection (n), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out said Subsection and inserting in lieu thereof the following:

Items included in the term "wages".

(n) From and after March 10th, 1941, "wages" shall include commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities shall be estimated and determined in accordance with rules prescribed by the Commission: *Provided,* if the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right

to unemployment benefits only shall be determined in such manner as may by authorized reguations be prescribed. Such regulations shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals: *Provided, further,* that the term "wages" shall not include the amount of any payment with respect to services performed from and after March 10th, 1941, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death: *Provided, further,* the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (ii) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit.

Items not included in the term "wages".

SEC. 12. That Article 2, Section 96-8, Chapter 96, General Statutes of North Carolina be and the same is hereby amended by adding a new Subsection designated as Subsection (u) as follows:

G. S., 96-8, further amended.

(u) The term "American vessel", as used in this Chapter, means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the Unitd States nor documented under the laws of any foreign country, if its crew is performing service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

The term "American vessel", defined.

SEC. 13. That Article 2, Section 96-9, Subsection (a), paragraph (2), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the period at the end of such paragraph and inserting the following:

Par. (2), subsection (a), G. S., 96-9, amended as to payment of contributions on wages for employment.

: Provided, that from and after December 31st, 1946, for the purposes of this Section, the term "wages" shall not include that part of remuneration in excess of three thousand

dollars ($3,000.00) paid to an individual during any calendar year for employment, irrespective of the year in which such employment occurred.

G. S., 96-9, amended as to rate of contribution.

SEC. 14. That Article 2, Section 96-9, Subsection (b), paragraph (4), subparagraph (A), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the last two sentences thereof.

G. S., 96-9, amended as to voluntary contributions.

SEC. 15. That Article 2, Section 96-9, Subsection (b), paragraph (4), subparagraph (E), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by inserting the following at the end of the first sentence and before the words "The commission":

Any voluntary contributions so made by an employer within ten days after the date of mailing of statement of charges to the reserve account of such employer for the previous quarter ending July 31st, shall be credited to the reserve account as of July 31st of such quarter: *Provided,* such notice of charges shall be mailed to the employer prior to December 1st of such year.

Par. 2, subsection (c), G. S., 96-9, amended as to payment of of reimbursements.

SEC. 16. That Article 2, Section 96-9, Subsection (c), paragraph (2), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the period at the end of the first sentence and inserting the following:

: *Provided,* reimbursements paid pursuant to Section 96-4 (l) (1) (C) shall be paid out of the partially pooled account.

Par. (3), subsection (c), G. S., 96-9, amended as to date of reports on reserve accounts.

SEC. 17. That Article 2, Section 96-9, Subsection (c), paragraph (3), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the first sentence and inserting in lieu thereof the following:

As of July 31st of each year, and prior to the effective date of any variation from standard rate of contribution, the Commission shall determine the balance of each employer in his reserve account and shall furnish him with a statement of all charges and credits thereto.

G. S., 96-10 amended as to refunding of interest.

SEC. 18. That Article 2, Section 96-10, Subsection (e), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the period after the word "fund" in line twenty-two, and inserting the following:

: *Provided,* that any interest refunded under this Subsection, which has been paid into the Special Unemployment Compensation Administration Fund established pursuant to Section 96-5 (c), shall be paid out of such fund.

And that Subsection (e) be further amended by striking

out the comma after the word "Provided" in the last sentence of said Subsection and inserting the following:

further,

SEC. 19. That Article 2, Section 96-10, Subsection (f), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out in the next to the last sentence thereof the word "commissioner" and inserting in lieu thereof the following:

Subsection (f), G. S., 16-10, amended as to actions for refund.

commission

SEC. 20. That Article 2, Section 96-10, Subsection (i), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the period at the end of said Subsection and inserting the following:

Subsection (i), G. S., 96-10, amended as to time limitation on actions for refund.

; *Provided, further,* that a proceeding shall be deemed to have been instituted or begun upon the date of issuance of an order by the Chairman of the Commission directing a hearing to be held to determine liability or nonliability, and/or status under this Act of an employing unit, or upon the date notice and demand for payment is mailed by registered mail to the last known address of the employing unit; *provided, further,* that the order mentioned herein shall be deemed to have been issued on the date such order is mailed by registered mail to the last known address of the employing unit.

SEC. 21. That Article 2, Section 96-12, Subsection (e), Chapter 96, General Statutes of North Carolina be and the same is hereby repealed: *Provided,* any individual who has established a benefit year under the provisions of such Subsection prior to the repeal thereof, shall be paid benefits throughout such benefit year, if otherwise eligible.

Subsection (e), G. S., 96-12, repealed.

Reservation.

SEC. 22. That Article 2, Section 96-13, Subsection (c), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out such Subsection and inserting in lieu thereof the following:

G. S., 96-13, relating to benefit eligibility conditions, amended.

(c) He is able to work, and is available for work: *Provided* that no individual shall be deemed available for work unless he establishes to the satisfaction of the Commission that he is actively seeking work: *Provided, further,* that an individual customarily employed in seasonal employment, shall during the period of nonseasonal operations, show to the satisfaction of the Commission that such individual is actively seeking employment which such individual is qualified to perform by past experience or training during such nonseasonal period: *Provided, further,* that no individual shall be considered able and available for work for any week during the three-month period immediately before the expected birth of a child to such individual, and for any week during the three-month period

immediately following the birth of a child to such individual; however, no individual shall be denied benefits by reason of this proviso in the event of the death of such child, if such individual is otherwise eligible: *Provided, further, however,* that no individual shall be considered available for work for any week, not to exceed two in any benefit year, in which the Commission finds that his unemployment is due to a customary and well established vacation. This provision shall apply only if it is found by the Commission that employment will be available to him at the end of such vacation.

Subsection (f), G. S. 96-15, amended.

SEC. 23. That Article 2, Section 96-15, Subsection (f), Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the last sentence and inserting in lieu thereof the following:

Recording testimony on disputed claims.

All testimony at any hearing before an Appeals Tribunal upon a disputed claim shall be recorded unless the recording is waived by all interested parties, but need not be transcribed unless the disputed claim is further appealed.

G. S., 96-20, rewritten.

SEC. 24. That Article 3, Section 96-20, Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out said Section and inserting in lieu thereof the following:

Duties of Employment Service Division.

SECTION 96-20. Duties of Division; conformance to Wagner-Peyser Act; organization; director; employees. The Employment Service Division of the Unemployment Compensation Commission shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Chapter, and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6th, 1933, (48 Stat., 113; U.S.C., Title 29, Sec. 49 (c)), as amended.

Director of Division.

The said Division shall be administered by a full time salaried director. The Unemployment Compensation Commission shall be charged with the duty to cooperate with any official or

Co-operation with Federal agencies.

agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Unemployment Compensation Commission is hereby designated and consti-

tuted the agency of this State for the purpose of said Act. The Commission is directed to appoint the director, other officers, and employees of the Employment Service Division.

Appointment of officers and employees.

SEC. 25. That Article 3, Section 96-23, Chapter 96, General Statutes of North Carolina be and the same is hereby amended by adding a new sentence at the end thereof reading as follows:

G. S., 96-23, amended.

All information obtained by the North Carolina State Employment Service Division from workers, emloyers, applicants, or other persons, or groups of persons in the course of administering the State Public Employment Service Program shall be absolute privileged communications and shall not be disclosed directly or indirectly except as by regulations prescribed by the Commission.

Information funished Employment Service Division, classed as privileged communications.

SEC. 26. That Chapter 96, General Statutes of North Carolina be and the same is hereby amended by striking out the phrases "Social Security Board" and "social security board" wherever the same may appear in said Chapter, and inserting in lieu thereof the following phrase:

Social Security Administration substituted for Social Security Board.

Social Security Administration.

SEC. 27. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 28. That this Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 193 CHAPTER 327

AN ACT TO INCREASE THE APPROPRIATIONS FOR THE OFFICE OF THE CLERK OF THE SUPERIOR COURT, THE OFFICE OF THE REGISTER OF DEEDS, AND THE OFFICE OF THE SHERIFF, AND TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS, AND TO PROVIDE CLERICAL ASSISTANTS FOR THE SHERIFFS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Office of the Clerk of the Superior Court of Wilkes County, in addition to any other sums received for

Appropriation for clerical assistants, Office of Clerk Superior Court, Wilkes County increased.

clerical assistants, shall receive an appropriation in the sum of eight hundred dollars ($800.00) per annum, to be paid out of general county funds in equal monthly installments, and to be applied to provide clerical assistants in the Office of the Clerk of the Superior Court, the first such installment to be due and payable on the first day of February, 1947.

Appropriation for clerical assistants, Office of Register of Deeds, increased.

SEC. 2. The Office of the Register of Deeds of Wilkes County, in addition to any other sums received for clerical assistants, shall receive an appropriation in the sum of twelve hundred dollars ($1,200.00) per annum, to be paid out of general county funds in equal monthly installments and to be applied to provide clerical assistants in the office of the register of deeds, the first such installment to be due and payable on the first day of February, 1947.

Appropriation for clerical assistants, Office of Sheriff, increased.

SEC. 3. The Office of the Sheriff of Wilkes County, in addition to any other sums received for clerical assistants, shall receive an appropriation in the sum of six hundred dollars ($600.00) per annum, to be paid out of general county funds in equal monthly installments and to be applied to provide clerical assistants for the sheriff's office, the first such installment to be due and payable on the first day of February, 1947.

Appropriation for deputy sheriffs, Office of Sheriff, increased.

SEC. 4. The Office of the Sheriff of Wilkes County shall receive an appropriation in the sum of eighteen hundred dollars ($1,800.00) per annum to be paid out of the general county funds in equal monthly installments and applied to the salaries of such deputy sheriffs as may be employed in the sheriff's office, the first such installment to be due and payable on the first day of February, 1947.

Compensation of members of Wilkes County Board of Commissioners.

Mileage advance.

SEC. 5. The Chairman and each Member of the Board of County Commissioners of Wilkes County shall receive the sum of six dollars ($6.00) per diem while actually in attendance on sessions of the board of county commissioners, together with a travel allowance at the rate of five cents (5c) per mile while traveling between their respective residences and the place of meeting of the commission, such mileage to be computed over the usual route of public travel.

Per diem for jury service.

Mileage allowance.

SEC. 6. The per diem for jury service in Wilkes County shall be increased from two dollars and fifty cents ($2.50) per day to three dollars and fifty cents ($3.50) per day together with a travel allowance at the rate of five cents (5c) per mile while traveling between their respective residences and the place of holding the court, said mileage to be computed over the usual route of public travel.

Decrease of appropriations, when necessary authorized.

SEC. 7. The board of county commissioners is hereby authorized and empowered, in its discretion, to decrease any of the salaries or allowances provided for in this Act in

the event a decrease in the income of the county should necessitate such action.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 229. **CHAPTER 328**

AN ACT TO PROTECT THE RIGHT TO WORK AND TO DECLARE THE PUBLIC POLICY OF NORTH CAROLINA WITH RESPECT TO MEMBERSHIP OR NON-MEMBERSHIP IN LABOR ORGANIZATIONS AS AFFECTING THE RIGHT TO WORK; TO MAKE UNLAWFUL AND TO PROHIBIT CONTRACTS OR COMBINATIONS WHICH REQUIRE MEMBERSHIP IN LABOR UNIONS, ORGANIZATIONS OR ASSOCIATIONS AS A CONDITION OF EMPLOYMENT; TO PROVIDE THAT MEMBERSHIP IN OR PAYMENT OF MONEY TO ANY LABOR ORGANIZATION OR ASSOCIATION SHALL NOT BE NECESSARY FOR EMPLOYMENT OR FOR CONTINUATION OF EMPLOYMENT AND TO AUTHORIZE SUITS FOR DAMAGES.

The General Assembly of North Carolina do enact:

SECTION 1. The right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. It is hereby declared to be the public policy of North Carolina that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization or association. Declaration of public policy.

SEC. 2. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against the public policy and an illegal combination or conspiracy in restraint of trade or commerce in the State of North Carolina. Certain agreements declared against the public policy and illegal combinations in restraint of trade.

Membership in labor organization as condition of employment prohibited.

SEC. 3. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Non-membership as condition of employment, prohibited.

SEC. 4. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Payment of dues, as condition of employment prohibited.

SEC. 5. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of any kind to any labor union or labor organization.

Recovery of damages by persons denied employment in violation of Secs. 3, 4, and 5.

SEC. 6. Any person who may be denied employment or be deprived of continuation of his employment in violation of Sections 3, 4, and 5 or of one or more of such Sections, shall be entitled to recover from such employer and from any other person, firm, corporation, or association acting in concert with him by appropriate action in the courts of this State such damages as he may have sustained by reason of such denial or deprivation of employment.

Application of section.

SEC. 7. The provisions of this Act shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of any existing contract.

Partial invalidity section.

SEC. 8. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, and the application thereof to other person or circumstances, but shall be confined to the part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 300 **CHAPTER 329**

AN ACT RELATING TO THE BOARD OF COUNTY COMMISSIONERS OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Number of County Commissioners, Caldwell County, increased.

SECTION 1. The number of Members of the Board of County Commissioners of Caldwell County is hereby increased from three to five.

Nomination and election of additional members.

Terms and compensation.

SEC. 2. The two additional members provided for in Section 1 of this Act shall be nominated and elected in the same manner and at the same time as successors to the incumbent members of the board are elected, and shall serve for terms of the same duration as, and receive the same compensation for their services as, other members of the board.

Nomination and election of commissioners by precincts.

One Commissioner from each precinct.

SEC. 3. From and after the ratification of this Act, not more than one candidate from any one precinct, as such precincts are now constituted, shall be nominated by any political party for the Office of County Commissioner in Caldwell County, and not more than one county commissioner from any one precinct, as such precincts are now constituted, shall be elected to the Board of County Commissioners of Caldwell County. In any party primary to select nominees for the board of county commissioners, the five persons who receive the highest number of votes and who are from five different precincts shall be the party nominees. No person who receives a smaller number of votes than any other person in the same precinct shall be a nominee notwithstanding the fact that such person may have received a larger number of votes than some person from another precinct, it being the purpose and intent of this Act that in no event shall more than one candidate be nominated by any one one party from any one precinct.

Conflicting laws repealed.

SEC. 4. All laws, Public, Public-Local or Private insofar as they are in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 323 **CHAPTER 330**

AN ACT TO REGULATE CITY ELECTIONS IN THE CITY OF REIDSVILLE, ROCKINGHAM COUNTY.

Preamble: Request for enactment of subject legislation.

WHEREAS, at a meeting of the Council of the City of Reidsville, held on February 4th, 1947, the enactment of the legislation herein presented was requested: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 69, Private Laws, 1925, Ch. 7 Private Laws 1927, repealed.

SECTION 1. Chapter 69 of the Private Laws of 1925 and Chapter 7 of the Private Laws of 1927 are hereby repealed.

Date of election for municipal offices, city of Reidsville.

SEC. 2. An election to fill the elective municipal offices of the City of Reidsville shall be held on Tuesday after the first Monday in May, 1948, and biennially thereafter.

Notices of candidacy.

SEC. 3. Each candidate for any elective municipal office of the City of Reidsville shall file a written notice of his candidacy with the city clerk at least fifteen (15) days prior to the date on which the election is to be held.

Division of city into election precincts.

Designation of polling places.

Notice of change of precincts or polling places.

SEC. 4. The City Council of Reidsville shall have power to divide the city into election precincts and, from time to time, to alter or discontinue precincts or create new election precincts as it may deem expedient. The council shall designate a polling place for each precinct established. Twenty (20) days' notice shall be given prior to the registration period of any establishment, alteration, discontinuance, or change in any precinct by advertising in some newspaper published in the city. If any polling place is changed in any precinct, like advertisement of such change shall be made. The council may, from time to time, in its discretion, order a new registration of the voters of the entire city or of any election precinct.

Elections governed by General Statutes.

SEC. 5. Except as herein provided, elections to fill elective municipal offices of the City of Reidsville shall be governed by the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 339 **CHAPTER 331**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 201 OF THE PRIVATE LAWS OF 1905 AS AMENDED, THE SAME BEING THE CHARTER OF THE TOWN OF MOUNT OLIVE SO AS TO PLACE THE ELECTION OF TOWN OFFICIALS UNDER THE GENERAL LAW IN THIS STATE RELATIVE TO THE ELECTION OF MUNICIPAL OFFICERS.

The General Assembly of North Carolina do enact:

Ch. 201, Private Laws, 1905, amended.

SECTION 1. That Section 3 of Chapter 201 of the Private Laws of 1905, as amended by Chapter 127 of the Private Laws of 1927, be, and the same is hereby, amended to read as follows:

Election of mayor and commissioners, Town of Mount Olive.

SEC. 3. That there shall, on the first Monday in May, 1947, and biennially thereafter, be elected a mayor and five commissioners for said town, who shall hold their respective offices for a period of two years and until their successors are elected and qualified; and such election shall be held under the provisions of Article III, Section 160-29 through 160-51, of the General Statutes of North Carolina.

Ch. 201 Private Laws, 1905, further amended.

SEC. 2. That Section 4 of Chapter 201 of the Private Laws of 1905 be, and the same is hereby, amended to read as follows:

Oath of office of Mayor.

SEC. 4. That the mayor, immediately after his election and before entering upon the duties of his office, shall take the oath of office prescribed by Section 160-11 of the General Statutes of North Carolina.

SEC. 3. That Section 5 of Chapter 201 of the Private Laws of 1905 be, and the same is hereby, amended to read as follows:

Oath of office of commissioners.

SEC. 5. That the commissioners, immediately after their election and before entering upon the duties of their office, shall take the oath prescribed by Section 160-7 of the General Statutes of North Carolina.

SEC. 4. That Section 6 of Chapter 201 of the Private Laws of 1905 be, and the same is hereby, amended to read as follows:

Vacancy appointments.

SEC. 6. That if any person elected mayor shall refuse to be qualified, or if there is a vacancy in this office for any reason, such vacancy shall be filled as provided in Section 160-10 of the General Statutes of North Carolina. In case of a vacancy in the office of commissioner for failure to qualify or for any other reason, such vacancy shall be filled as is provided in Section 160-8 of the General Statutes of North Carolina.

Sec. 7, Ch. 201, Private Laws 1905, repealed.

SEC. 5. That Section 7 of Chapter 201 of the Private Laws of 1905 be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 354 CHAPTER 332

AN ACT TO FIX THE COMPENSATION OF REGULAR AND GRAND JURORS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Compensation of regular and grand jurors, Pasquotank County.

SECTION 1. All regular jurors serving in the Superior Courts of Pasquotank County and all grand jurors in the said county shall be paid the sum of five dollars ($5.00) per diem for each day's service as jurors, and in addition thereto such jurors shall receive travel allowance at the rate of five cents (5c) per mile while traveling to and from their respective homes in order to attend court or perform services for which they have been summoned, said mileage to be computed by the usual route of public travel.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 366 CHAPTER 333

AN ACT TO AMEND SECTION 113-111 OF THE GENERAL STATUTES RELATING TO CLOSED SEASONS ON FOXES IN DAVIE COUNTY AND PROHIBITING THE RELEASE OF FOXES IN SAID COUNTY AND PROVIDING FOR A BOUNTY ON FOXES KILLED.

The General Assembly of North Carolina do enact:

G. S., 113-111, amended, to provide open season on foxes, Davie County.

SECTION 1. Section 113-111 of the General Statutes is amended by adding after the word "Watauga" and before the word "counties" the following:

Davie.

SEC. 2. It shall be unlawful for any person, firm, or corporation to import into and release foxes in Davie County; and any person, firm, or corporation convicted of the violation of the provisions of this Section shall be fined not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00) or imprisoned not more than six months, or both, in the discretion of the court.

Importation and release of foxes in Davie County prohibited.

Penalty for violations.

SEC. 3. The Board of County Commissioners of Davie County is authorized to pay a bounty in a sum to be determined by the board for all foxes killed in the county.

Bounty paid for foxes killed in county.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 368 **CHAPTER 334**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR 1942 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Anson County is hereby authorized and empowered to adjust, remit, compromise or otherwise settle delinquent taxes for the year 1942 and all prior years, regardless of whether an action at law has been instituted to foreclose tax sale certificates in connection therewith.

Adjustment of delinquent taxes for certain years, Anson County, authorized.

SEC. 2. All acts of the Board of Commissioners of Anson County done heretofore in adjusting, settling or collecting taxes for the year 1942 and prior years are hereby approved and validated.

Prior adjustments validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 375 **CHAPTER 335**

AN ACT TO AMEND CHAPTER 86 OF THE PRIVATE LAWS OF 1907 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF MURFREESBORO IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 86, Private Laws, 1907, amended.

SECTION 1. That Section 2 of Chapter 86 of the Private Laws of 1907 be, and the same is hereby, amended to read as follows:

Corporate limits, Town of Murfreesboro, redefined.

SEC. 2. That the corporate limits of the town shall be as follows, to-wit:

Beginning at a concrete marker in the Edwin P. Brown and Elwood W. Parker land (formerly Lawrence land) in the line of the original corporate limits of the Town of Murfreesboro, North Carolina, and running thence South 18 degrees 15 minutes West 3600 feet to a point on the north side of the avenue leading to Meherrin Church; thence South 66 degrees 30 minutes East 871 feet to a point on the east side of Spring Avenue near Woodland Drive; thence following the said Spring Avenue for the following various courses and distances: South 36 degrees 45 minutes West 102 feet; South 52 degrees 15 minutes West 143.2 feet; South 26 degrees 45 minutes West 159 feet to a point at a ditch which flows into Spring Branch; thence following the course of said ditch South 65 degrees 40 minutes West 209 feet to a point in said ditch; thence following the various courses and distances of the run of Spring Branch as follows: South 79 degrees 30 minutes East 1460 feet; North 59 degrees 45 minutes East 200 feet; due East 100 feet; South 46 degrees 45 minutes East 140 feet; North 86 degrees 30 minutes East 120 feet; South 45 degrees 30 minutes East 222 feet; South 24 degrees 30 minutes East 212 feet; South 65 de-

grees 30 minutes East 228 feet; South 42 degrees 30 minutes East 190 feet; South 85 degrees 30 minutes East 241 feet; North 68 degrees East 568 feet to an iron stake in the fork of Spring Branch in the line of the original corporate limits of the Town of Murfreesboro; thence continuing the various courses and distances of said Spring Branch as follows: South 49 degrees East 70 feet; South 36 degrees East 262 feet; South 66 degrees East 97 feet; South 57 degrees 15 minutes East 317 feet; North 55 degrees East 172 feet; North 55 degrees 15 minutes East 285 feet; North 28 degrees East 166 feet; North 17 degrees 30 minutes East 258 feet; North 31 degrees East 228 feet to a concrete marker on the east side of Union Street in the line of the original corporate limits of Murfreesboro; thence North 71 degrees East 2136 feet to a point in the W. C. Ferguson property; thence North 57 degrees 30 minutes East 469 feet to a point; thence North 75 degrees East 1308 feet to a point at the mill dam; thence following the mill dam South 48 degrees 30 minutes East 260 feet to a point on a bridge and mill gates; thence following the various courses and distances of Worrell's Mill Swamp through the mill house and across U. S. Highway ≠ 158 as follows: North 31 degrees East 300 feet to a point on the north side of U. S. Highway ≠ 158; thence North 28 degrees 45 minutes East 658 feet; North 57 degrees 45 minutes East 525 feet; North 8 degrees 45 minutes East 334 feet; North 58 degrees 15 minutes East 555 feet; North 40 degrees 45 minutes East 308 feet; North 70 degrees 45 minutes East 270 feet; North 43 degrees 45 minutes East 144 feet; North 50 degrees 45 minutes East 510 feet to the Meherrin River; thence up the Meherrin River, its various courses and distances, via the river bridge, to a concrete marker near the banks of the river; thence through the Wynn land North 76 degrees West 2720 feet to a concrete marker in the road extended from Pine Street (known as Princeton Road); thence through the D. C. Barnes land South 78 degrees West 2900 feet to the concrete marker, the point of the beginning, the same being shown on a revised map of the Town of Murfreesboro, North Carolina, by C. R. Revelle, Surveyor, February, 1947, which is referred to for further describing same.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 385 CHAPTER 336

AN ACT RELATING TO THE DISTRIBUTION OF THE NET PROFITS FROM THE OPERATION OF THE DARE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD.

The General Assembly of North Carolina do enact:

Payment of portion of net profits from Dare County ABC stores to Town of Manteo authorized.

SECTION 1. The Dare County Alcoholic Beverage Control Board is hereby authorized and directed to annually turn over to the Town of Manteo fifteen per cent (15%) of the net profits derived from the operation of ABC stores in said county, including the fiscal year July 1st, 1946—June 30th, 1947.

Payable to general fund of Manteo.

SEC. 2. Said sum is to go to the general fund of the Town of Manteo to be used for any governmental purpose deemed necessary by the governing body of said town.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 403 CHAPTER 337

AN ACT REGULATING THE FEES OF JUSTICES OF THE PEACE IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-134, amended.

SECTION 1. Section 7-134 of the General Statutes is hereby amended by striking out the word "Randolph" in line 12 of the second paragraph following the word "Richmond" and immediately preceding the word "Polk," and by adding at the end of said Section the following:

Justices of the Peace of Randolph County shall receive the same fees as are allowed Justices of the Peace in Henderson County as provided in Chapter 324 of the Public Laws of 1941.

Fees of Justices of Peace, Randolph County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 418 **CHAPTER 338**

AN ACT TO PROVIDE FOR ADDITIONAL PAY FOR SCHOOL BUS DRIVERS IN AVERY COUNTY.

Preamble:

WHEREAS, Avery County is a very mountainous section of North Carolina and has many bus roads that are very narrow, crooked, and which during the winter months are covered with ice and snow a greater part of the time, making them very dangerous for public travel; and

Hazardous bus routes in Avery County.

WHEREAS, the citizens of Avery County are demanding that adult drivers of school busses be employed to operate the same; and

Demand for adult drivers of County school busses.

WHEREAS, in order to secure the services of safe adult school bus drivers, it is necessary that additional funds be provided for this purpose; and

Additional funds necessary for such purpose.

WHEREAS, the County Commissioners of Avery County are willing and anxious to provide additional funds for this purpose provided the consent of the General Assembly is given therefor: Now, therefore,

Approval of General Assembly for additional funds.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Avery County be, and the same is hereby, authorized to employ safe adult school bus drivers, including contract drivers, on all bus routes in said county which are by them considered dangerous and over which it is impracticable and unsafe for student bus drivers to operate the same.

Employment of adult bus drivers on dangerous routes, Avery County, authorized.

Salary schedule of drivers.

SEC. 2. That the Board of Education of Avery County be, and it is hereby, authorized to adopt a salary schedule to be paid such drivers in addition to salaries paid by the State, in an amount not to exceed twenty dollars ($20.00) per month: Provided, that in those cases where the bus route is extremely long and dangerous and which requires a full-time driver, the board of education is authorized to pay such drivers an additional salary in an amount not to exceed fifty dollars ($50.00) per month.

Tax levy to cover payment of salaries authorized.

SEC. 3. That the Board of County Commissioners of Avery County be, and they are hereby, authorized to levy taxes and appropriate funds in an amount sufficient to cover the cost of these additional salaries.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 419 CHAPTER 339

AN ACT RELATING TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Register of Deeds as Clerk to Board of County Commissioners, Lee County.

SECTION 1. The compensation of the Register of Deeds as ex officio Clerk of the Board of County Commissioners of Lee County shall be such compensation as may be determined by the Board of County Commissioners.

Special acts fixing such compensation repealed.

G. S., 153-40, applicable.

SEC. 2. It is the intent and purpose of this Act to repeal any Private or Public-Local Act fixing the compensation of the Register of Deeds as Clerk, ex officio, of the Board of County Commissioners and to place Lee County under the provisions of Section 153-40 of the General Statutes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 420 **CHAPTER 340**

AN ACT RELATING TO FOXES IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be a closed season on foxes in Wilkes County each year from March 1st to September 1st, and during such time it shall be unlawful to kill or otherwise destroy foxes in Wilkes County, except that it shall not be unlawful for any person to chase or hunt or run foxes with dogs at any time during the year.

Closed season on foxes, Wilkes County.

SEC. 2. It shall be unlawful to take, capture, kill or destroy foxes in Wilkes County through the use of steel traps at any time during the year.

Use of steel fox traps prohibited.

SEC. 3. It shall be unlawful for a period of two years from the date of the ratification of this Act for any person at any time during said two years to bring, take or transport a fox from outside of Wilkes County into Wilkes County and there release it.

Transportation and release of foxes in county prohibited for two years.

SEC. 4. Any violation of any provision of this Act is hereby made a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

Violations made misdemeanor.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 432 **CHAPTER 341**

AN ACT TO AMEND CHAPTER 142, PRIVATE LAWS OF 1921, IT BEING THE CHARTER OF THE CITY OF DURHAM, BY REQUIRING THAT ALL NOMINATING PETITIONS PRESENTING THE NAMES OF CANDIDATES FOR MAYOR AND ALDERMAN BE SIGNED BY THE CANDIDATE NOMINATED IN SUCH PETITION BEFORE HIS OR HER NAME MAY BE PRINTED ON THE BALLOT.

The General Assembly of North Carolina do enact:

Ch. 142, Private Laws, 1921, amended, to require that nominating petitions for mayor and aldermen City of Durham, be signed by candidate.

SECTION 1. That Section 6 of Chapter 142 of the Private Laws of 1921 be, and the same is hereby, amended by striking out the period after the word "petitioners" in line 10 of said Section, substituting a comma therefor, and adding after said comma the following:

Said nominating petition shall also be signed by the candidate nominated therein, and unless so signed by such candidate, the name of such candidate shall not be printed upon the ballot.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 434 **CHAPTER 342**

AN ACT TO REPEAL CHAPTER 777 OF SESSION LAWS OF NORTH CAROLINA OF 1943 ENTITLED "AN ACT TO REPEAL THE SPECIAL ELECTION OF THE WASHINGTON SCHOOL ADMINISTRATIVE UNIT PROVIDING FOR A NINE MONTHS SCHOOL TERM."

The General Assembly of North Carolina do enact:

Ch. 777 Session Laws, 1943, repealed.

SECTION 1. That Chapter 777 of Session Laws of North Carolina of 1943, entitled "An Act to repeal the special election of the Washington School Administrative Unit providing for a

nine months school term," be, and the same is hereby, repealed in its entirety, and authorization is hereby granted to the tax levying authorities of Beaufort County to levy said tax to supplement the school funds of the Washington City Administrative Unit in the same manner and to the same extent they were authorized prior to the enactment of said Chapter 777.

Tax levy to supplement school funds of Washington City Administrative Unit.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 441 **CHAPTER 343**

AN ACT RELATING TO THE NOMINATION AND THE ELECTION OF COUNTY COMMISSIONERS AND MEMBERS OF THE COUNTY BOARD OF EDUCATION BY DISTRICTS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of the nomination and election of Members of the Board of County Commissioners and the nomination of Members of the County Board of Education in Dare County, said county shall be divided in districts as follows:

Division of Dare County into 5 districts for nomination and election of certain officials.

(1) Nags Head Township shall be designated as District No. 1 and shall be entitled to one member on said board of county commissioners and board of education.

District No. 1.

(2) Atlantic Township shall be designated as District No. 2 and shall be entitled to one member on said board of county commissioners and board of education.

District No. 2.

(3) Croatan Township and East Lake Township shall be designated as District No. 3 and shall be entitled to one member on said board of county commissioners and board of education.

District No. 3.

(4) Kennekeet Township shall be designated as District No. 4 and shall be entitled to one member on said board of county commissioners and board of education.

District No. 4.

District No. 5.

(5) Hatteras Township shall be designated as District No. 5 and shall be entitled to one member on said board of county commissioners and board of education.

Nomination of one candidate for county commissioner from each district.

Candidates elected by voters of county as a whole.

SEC. 2. At the primary election for county officers in Dare County, held in the year 1948 and biennially thereafter, the political parties of the county shall nominate as their candidates for the office of county commissioner, one candidate from each of the districts created in Section 1 hereof, and each of the candidates from said districts shall be a qualified voter in the district from which he is a candidate. Such candidates shall be voted on by the qualified voters of Dare County as a whole, and the candidate from each district of each political party receiving the highest number of votes cast by the county as a whole shall be declared the nominee of his respective party from the district in which he is qualified.

Nomination of one candidate as member of board of education from each district.

Candidates elected by voters of county as a whole.

SEC. 3. At the primary election for county officers in Dare County, held in the year 1948 and biennially thereafter, the political parties of the county shall nominate as their candidates for membership on the board of education, one candidate from each of the districts created in Section 1 hereof, and each of the candidates from said districts shall be a qualified voter in the district from which he is a candidate. Such candidates shall be voted on by the qualified voters of Dare County as a whole, and the candidate from each district of each political party receiving the highest number of votes cast by the county as a whole shall be declared the nominee of his respective party from the district in which he is qualified.

Term of member of Board of Education from Atlantic Township.

SEC. 4. The incumbent member of the board of education who now resides in Atlantic Township shall hold his office until the first day of April, 1951, and no candidates name shall be placed on the ballot in the primary election held in 1948 for the office of membership on the county board of education from District No. 2 composed of Atlantic Township.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 443 **CHAPTER 344**

AN ACT TO AMEND THE CHARTER OF THE CITY OF GASTONIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The present corporate limits of the City of Gastonia, as set forth in Section 3 of Chapter 199 of the Private Laws of 1913, shall be extended to include the following described territory:

Corporate limits of City of Gastonia extended.

Tract No. 1. Beginning at a point in the southern line of the present corporation limits, said point being situated one thousand one hundred forty-three (1,143) feet due West and following the line of the present corporation limits from the most southeasterly corner of the present city limits; thence in a new direction South 2 degrees 45 minutes East four hundred fifty-nine and one-tenth (459.1) feet to an iron, corner of Carolina Real Estate and Development Company, Incorporated, and others; thence with the line of said Carolina Real Estate and Development Company, Incorporated, North 84 degrees 10 minutes East two thousand four hundred twenty-eight (2,428) feet to a stone; thence again with the line of said Carolina Real Estate and Development Company, Incorporated, North 23 degrees 30 minutes East one thousand sixty (1,060) feet to an iron; thence continuing with the lines of said Carolina Real Estate and Development Company, Incorporated, the following courses and distances: North 62 degrees 10 minutes West six hundred and five-tenths (600.5) feet, North 5 degrees 45 minutes West nine hundred forty-nine (949) feet, North 86 degrees 30 minutes West one hundred forty-five and eight-tenths (145.8) feet; thence South 58 degrees 45 minutes West one thousand one hundred (1,100) feet to a point in the present city limits line, said point being situated one thousand four hundred forty (1,440) feet due North of the present extreme southeast corner.

Description of extended limits. Tract No. 1.

Tract No. 2. Beginning at a point where the present corporation limit line of the City of Gastonia crosses the southern line of Craig Avenue; thence with the southern line of Craig Avenue South 67 degrees 54 minutes East one thousand two hundred seventy-seven feet (1,277) to a corner of the East Park Development; thence with a line of the East Park Development North 22 degrees 23 minutes East two thousand three hundred twenty-five (2,325) feet to another corner of the East Park Development; thence North 50 degrees 52 minutes West one thousand nine hundred thirty-three (1,933) feet to a corner in the center of the main line of the Southern Railway; thence with the Southern Railway South 46 degrees

Tract No. 2.

30 minutes West seven hundred ten (710) feet to the present corporation limit line of the City of Gastonia.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 452 CHAPTER 345

AN ACT APPLICABLE ONLY TO GUILFORD COUNTY AMENDING SECTION 115-374 OF THE GENERAL STATUTES RELATING TO SCHOOL TRANSPORTATION.

The General Assembly of North Carolina do enact:

G. S. 115-374, amended.

SECTION 1. Section 115-374 of the General Statutes is hereby amended by inserting between the word "busses" and the word "provision" in line 13 thereof, the following:

School authorities, Guilford County, authorized to provide residence for custodian of school busses and grounds.

The county board of education in any county or the trustees of any city administrative unit therein, with the consent of the tax levying authorities of said county, may provide in connection with furnishing adequate buildings and equipment for the storage and maintenance of the school busses aforesaid a residence for the custodian of said busses and grounds, and for his family.

Application of Act.

SEC. 2. This Act shall apply only to Guilford County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 455 **CHAPTER 346**

AN ACT TO AMEND CHAPTER 261 OF THE PUBLIC-LOCAL LAWS OF 1925 RELATING TO THE SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 261, Public-Local Laws, 1925, amended.

SECTION 1. That Section 1 of Chapter 261 of the Public-Local Laws of 1925 be, and the same is hereby, amended to read as follows:

Schedule of fees of Clerk of Superior Court, Polk County.

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Polk County, regardless of whether or not such clerk is paid for his services on a salary or fee basis, shall be the following: *Provided, however,* that when a fee is not fixed herein the fee to be charged therefor shall be as provided and set out in the General Statutes of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees:

Acknowledgements, twenty-five cents (25c) for each person, including each private examination of a wife.

Administrator, appointment of, including taking application, bond and justification, affidavit, making the order and issuing one copy of letters, five dollars ($5.00).

Adoption, complete, ten dollars ($10.00).

Advertising and selling property, either real or personal under a mortgage deed, deed of trust or chattel mortgage given in lieu of bond, five per cent (5%) of sale price, minimum fee five dollars ($5.00).

Affidavit, including jurat and certificate, fifty cents (50c).

Appeal from justice of the peace or other court inferior to the Superior Court, two dollars ($2.00).

Appeal from clerk to judge, two dollars ($2.00).

Appeal to the Supreme Court, including certificate and seal, two dollars ($2.00).

Apprenticing infant, incuding indenture, five dollars ($5.00).

Assignment of judgment, the entry thereof, and indexing, one dollar and fifty cents ($1.50).

Attachment order, one dollar ($1.00).

Auditing annual accounts of receivers, executors, guardians, administrators, administrators with will annexed, trustees for

Schedule of fees, C.S.C., continued.

incompetents, trustees under wills, surviving partner, where the total receipts and disbursements do not exceed eleven thousand dollars ($11,000.00), the fee shall be twenty-five cents (25c) for each one hundred dollars ($100.00) on receipts and disbursements or a fraction thereof through one thousand dollars ($1,000.00). If the receipts and disbursements exceed one thousand dollars ($1,000.00), the fee shall be for the receipts and disbursements above one thousand dollars ($1,000.00) five cents (5c) on each one hundred dollars ($100.00) or a fraction thereof through eleven thousand dollars ($11,000.00). When the receipts and disbursements exceed eleven thousand dollars ($11,000.00), the fee for the amount of same above eleven thousand dollars ($11,000.00) shall be one-tenth of one per cent (.01%) of the amount of receipts and disbursements in excess of eleven thousand dollars ($11,000.00), but in no event shall the fee be less than one dollar and fifty cents ($1.50) or more than forty dollars ($40.00).

Auditing final account of receivers, executors, administrators, administrators with will annexed, collectors, trustees for incompetents, trustees under wills, guardians or surviving partner, the fee shall be fifty cents (50c) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10c) per each one hundred dollars ($100.00) or a fraction thereof on everything above one thousand dollars ($1,000.), but in no event shall the fee be less than three dollars ($3.00): *Provided*, that when stocks, bonds or any other personal property is delivered to any heir or distributee without converting the same into cash, these fees shall be computed and charged on the same just as though they had been converted into cash; the value of said stocks, bonds, etc., to be fixed as of the date of death, or qualification of the fiduciary.

Auditing final accounts of trustees, mortgagees, commissioners, or other persons, firms or corporations selling real estate under foreclosure proceeding required to render such final report, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) of receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) on each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00), provided that the minimum fee shall be two dollars ($2.00) and the maximum fee shall not exceed forty dollars ($40.00).

Bill of costs, preparing same, one dollar ($1.00).

Bond or undertaking, including justification, one dollar ($1.00).

Schedule of fees, C.S.C., continued.

Capias, each defendant, one dollar and fifty cents ($1.50), whether defendant is arrested or not.

Caveat to a will, entering and docketing same for trial, two dollars and fifty cents ($2.50).

Certificate and seal, fifty cents (50c).

Citations, the issuance thereof, one dollar ($1.00).

Commissions, issuing, one dollar and fifty cents ($1.50).

Commissions: Five per cent (5%) commission shall be allowed the clerk on all fines, penalties, amercements, and taxes, paid the clerk by virtue of his office; and five per cent (5%) on all sums of money not exceeding five hundred dollars ($500.00) placed in his hands by virtue of his office, except money paid on judgments, decrees and executions; and upon the excess over five hundred dollars ($500.00) of such sums, two and one-half per cent (2½%).

Commitment to the roads or State Prison, one dollar ($1.00).

Confirmation of sale whether signed by clerk or judge, one dollar and fifty cents ($1.50).

Continuance in criminal and civil cases, seventy-five (75c).

Corporations, recording certificate of incorporation, first four pages, five dollars ($5.00), plus seventy-five cents (75c) for each additional page or fraction thereof, minimum fee, five dollars ($5.00).

Corporations, recording amendments to corporation certificate, the same charge as that of the original certificate.

Corporations, recording certificate of dissolution, two dollars ($2.00).

Docketing ex parte proceeding, two dollars ($2.00).

Docketing indictments as to each defendant, one dollar ($1.00).

Docketing judgment in civil cases, one dollar and fifty cents ($1.50) for first copy sheet, plus fifty cents (50c) for each additional copy sheet, minimum fee one dollar and fifty cents ($1.50).

Docketing judgment in criminal cases, one dollar ($1.00).

Docketing presentment as to each defendant, one dollar ($1.00).

Docketing warrant as to each defendant, one dollar ($1.00).

Docketing summons, one dollar ($1.00).

Execution issued, one dollar and fifty cents ($1.50).

Schedule of fees, C.S.C., continued.

Executors, appointment of, including taking application, affidavit, making the order and one copy of letters, five dollars ($5.00).

Filing all papers, fifty cents (50c) for each case.

Guardian, appointment of, including taking application, bond and justification, affidavit, making the order and issuing one copy of letters, five dollars ($5.00).

Guardian ad litem, appointment of, one dollar and fifty cents ($1.50).

Hearing before clerk, two dollars ($2.00) for each hour or fraction thereof, minimum fee two dollars ($2.00).

Impaneling jury, fifty cents (50c).

Indexing the name of each party to any action or proceeding required to be cross-indexed or indexed by law, the fee shall be ten cents (10c) for each name entered upon the cross-index or index, minimum fee twenty-five cents (25c).

Indictment each defendant in bill, one dollar ($1.00).

Injunction, order for, including taking bond or undertaking, one dollar and fifty cents ($1.50).

Issuing permit to purchase pistol or other weapon, fifty cents (50c).

Inventory of lock box of deceased person, two dollars and fifty cents ($2.50) for each hour or fraction thereof, plus an additional five cents (5c) per mile for going from office to any place located in the county to perform such services.

Judgment by confession, without notice, all services, five dollars ($5.00).

Judgment final in civil cases, for each defendant, one dollar and fifty cents ($1.50).

Judgment final incriminal cases, for each defendant, one dollar and fifty cents ($1.50).

Judgment final before the clerk, two dollars ($2.00).

Judgment nisi and issuing sci fa for defaulting witness, juror or surety on bail bond or recognizance, two dollars and fifty cents ($2.50) for each person.

Judgment in favor of widow's year's support, one dollar and fifty cents ($1.50), for docketing same, one dollar ($1.00).

Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the costs shall pay a tax of four dollars ($4.00).

Schedule of fees, C.S.C., continued.

In every civil action the party adjudged to pay the costs shall pay a tax of five dollars ($5.00); but this tax shall not be charged unless a jury shall be empanelled. The clerk after deducting his commission on the tax above collected, shall turn the same over to the Treasurer of Polk County for the use of the general fund.

Letters, certified copy of letters issued to an administrator, executor, guardian or other fiduciary except one copy furnished at the time of qualification, each fifty cents (50c).

Liens, recording, minimum fee four dollars ($4.00), which covers three pages, with seventy-five cents (75c) for each additional page or fraction thereof.

Lis pendens, docketing notice of and canceling, one dollar and fifty cents ($1.50) for first page, and seventy-five cents (75c) for each additional page or fraction thereof.

Motions, entry and record of in civil actions, one dollar ($1.00); in criminal actions, one dollar ($1.00).

Next friend, appointment of, one dollar and fifty cents ($1.50).

Notary public, qualifying, one dollar ($1.00).

Notices, one dollar ($1.00), and for each name over one in same paper ten cents (10c).

Order of arrest, each defendant, one dollar ($1.00).

Order extending time for pleading in special proceedings and civil actions. and all other interlocutory orders therein, one dollar ($1.00) for each order.

Orders not otherwise provided for, whether signed by clerk or judge, one dollar ($1.00).

Order for registration of a deed or other writing which has been proved in another county, or before a justice of the peace, notary or other officer, twenty-five cents (25c).

Partnerships, filing and indexing regular and limited partnerships, two dollars ($2.00).

Postage, actual amount necessarily expended.

Presentment, each person presented, seventy-five cents (75c).

Probate of short form lien bond or chattel mortgage, twenty-five cents (25c).

Probate of deed or other writing, acknowledged by the signers or makers, twenty-five cents (25c) for each person, including private examination of a wife.

Schedule of fees, C.S.C., continued.

Probate of a deed or other writing proved by a witness, including certificate, twenty-five cents (25c).

Probate of any instrument (except will), twenty-five cents (25c).

Probate of will in common form, five dollars ($5.00).

Probate codicil, three dollars ($3.00).

Qualifying justice of the peace, to be paid by the justice, fifty cents (50c).

Qualifying members of the board of commissioners, to be paid by the commissioners, fifty cents (50c).

Recognizance, each party where no bond is taken, fifty cents (50c).

Recording appointment of process agent, one dollar ($1.00).

Recording minutes in each criminal case, two dollars ($2.00), in each civil case two dollars ($2.00).

Recording names of jurors as required by law, ten cents (10c) for each name.

Recording transcript of judgment from justice of the peace, regular form, one dollar ($1.00); long form one dollar ($1.00) for first copy sheet and fifty cents (50c) for each additional copy sheet or fraction thereof.

Recording wills, one dollar and fifty cents ($1.50) for first three hundred words, and twenty cents (20c) for each additional one hundred words or fraction thereof, including the probate.

Recording and copying papers, not otherwise provided for, one dollar ($1.00) for first three hundred words or fraction thereof, and twenty cents (20c) for each additional one hundred words or fraction thereof.

Registering trained nurses, surgeons, architects, osteopaths, physicians, optometrists, chiropractors, and dentists, including certificate of registration, one dollar ($1.00).

Report to Highway Commission of infractions of highway laws as to each person convicted or pleading guilty, fifty cents (50c).

Resignation of guardian, relinquishment of right to administer or qualify as executor, receiving, filing and noting same, fifty cents (50c).

Sales of land under mortgages or deeds of trust, in addition

Schedule of fees, C.S.C., continued.

to the auditing fee as prescribed and provided in this Act, for docketing, indexing and recording, the sum of two dollars and fifty cents ($2.50).

Seal of office, when necessary, twenty-five cents (25c).

Solicitors' Fees: The fees set out in the following Subsections for the offenses therein set out shall be taxed by the Clerk of the Superior Court in all criminal actions wherein the defendant is liable for or is adjudged to pay the cost, and when the said cost is collected, and after the clerk deducts his commission the same shall be paid into the Treasury of Polk County, for the use and benefit of the school fund.

(a) For every conviction and indictment charging a capital crime, whether by plea or verdict, forty dollars ($40.00).

(b) For perjury, forgery, passing or attemping to pass or sell any forged or counterfeit paper, or evidence of debt; maliciously injuring or attempting to injure any railroad or railroad car; stealing or obliterating records; maliciously burning or attempting to burn houses or bridges; seduction; slander of an innocent woman, and embezzlement; breaking into houses otherwise than burglariously; assault with intent to commit rape; larcenies from the person; false pretense, and secret assault; in each of the above cases, twenty dollars ($20.00).

(c) For larceny, receiving stolen goods, frauds, maims, deceits, escapes, and other felonies, fifteen dollars ($15.00).

(d) For disturbing religious and other public meetings; for all violations of the prohibition law as to intoxicating liquors and narcotics; fornication and adultery; operating automobile intoxicated, resisting an officer, twelve dollars ($12.00).

(e) For simple assault; speeding; vagrancy; giving worthless check; and minor violations of automobile law, five dollars ($5.00).

(f) For all other offenses, eight dollars ($8.00).

Stenographer Fees: On every indictment or criminal proceeding tried or disposed of in the Superior Court, the party convicted or adjudged to pay the costs shall pay a stenographer fee of five dollars ($5.00), the said fee to be taxed in the bill of cost by the clerk, and when collected by him, and after deducting commissions allowed by law shall turn the same over to the Treasurer of Polk County for the use of the general fund. In every civil case disposed of during term time, the party adjudged to pay the costs shall pay a stenographer fee of five dollars ($5.00), the said fee to be taxed

in the bill of cost by the clerk, and when collected by him, and after deducting commissions allowed by law shall turn the same over to the Treasurer of Polk County for the use of the general fund.

Subpoena, each name, twenty-five cents (25c).

Summons, in civil action or special proceedings, including all names therein, one dollar and fifty cents ($1.50), for every copy thereof twentyfive cents (25c).

Transcript of copy of any matter of record or paper on file, one dollar and fifty cents ($1.50) for first three hundred words or fraction thereof, and twenty cents (20c) for each additional hundred words or fraction thereof.

Transcript of judgment regular form, one dollar ($1.00).

Transcript of judgment, long form, one dollar and fifty cents ($1.50) for first three hundred words or fraction thereof, and twenty cents (20c) for each additional hundred words or fraction thereof.

Warrant, one dollar ($1.00).

Witness ticket, including jurat, ten cents (10c).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 456 **CHAPTER 347**

AN ACT TO PLACE THE SHERIFF AND DEPUTY SHERIFF AND THE JAILER OF POLK COUNTY ON A SALARY BASIS; TO INCREASE THE TURNKEY FEES AND TO REQUIRE JUSTICES OF THE PEACE AND THE CLERK OF THE COURT OF POLK COUNTY TO MAKE CERTAIN MONTHLY REPORTS WITH RESPECT TO COURT COSTS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Polk County.

SECTION 1. The Sheriff of Polk County is hereby placed on a salary basis; and the Board of County Commissioners of Polk County are hereby authorized to fix said salary on the basis of an amount of not less than twenty-four hundred dollars ($2,400.00) per year nor more than thirty-six hundred dollars ($3,600.00) per year, payable in equal monthly in-

stallments out of the general fund of said county. The compensation so fixed by the board of county commissioners shall be in lieu of all other fees and commissions of every kind and nature which the sheriff has heretofore received as compensation for his services. The county shall pay for all office supplies and equipment. The Sheriff of Polk County shall continue to collect all fees, commissions, fines, and all other types of fees and emoluments and commissions heretofore received by him by virtue of his office and shall turn the same over monthly into the county treasury. The sheriff shall receive no mileage for his official travel within Polk County or within twenty-five miles beyond the county line in any direction; but when required to make trips beyond twenty-five miles of the county line, he shall be paid actual expenses including railway or bus fares, board bills, and hotel expenses; and in the event he is traveling by automobile, the actual expenses shall be paid, and in addition thereto he will be paid mileage at the rate of five cents (5c) per mile actually traveled to and from a point to within twenty-five miles of the county line. The expense of all travel incurred by the sheriff while traveling in his official capacity outside Polk County shall be charged as a part of the costs in the case in which the same is incurred. In all cases where the defendant is acquitted or no true bill is found against the defendant in a criminal case, the sheriff shall be entitled to receive only half of the expenses herein allowed for trips made by him outside Polk County.

Salary in lieu of other fees and commissions.

Commissions and fees collected by Sheriff turned over to county treasurer.

Provision for payment of official travel expenses of Sheriff.

SEC. 2. The Sheriff of Polk County is allowed one deputy who shall receive a salary of not less than twelve hundred dollars ($1,200.00) nor more than two thousand dollars ($2,000.00) per annum to be fixed by the board of county commissioners, payable in twelve equal monthly installments in lieu of all other fees and commissions of every kind and nature which said deputy sheriff has heretofore been allowed by law. The same limitations, conditions, and provisions with respect to travel and expenses incurred by the said deputy sheriff on official trips outside of Polk County which applies to the sheriff under Section 1 of this Act shall apply to the deputy sheriff herein provided for. The said deputy sheriff shall continue to collect all fees, commissions, fines, and all other types of fees and emoluments and commissions of every kind and nature heretofore received by him by virtue of his office and shall turn the same over monthly to the county treasurer.

Salary of Deputy Sheriff.

Provision for payment of official travel expenses of Deputy Sheriff.

Fees and commissions collected by Deputy Sheriff paid to county treasurer.

SEC. 3. The schedule of fees and costs now in effect in Polk County with respect to sheriffs and deputy sheriffs shall remain the same, and all witness fees, mileage, bonuses, fees for serving all kinds of criminal and civil process, and all

Schedule fees and costs with respect to sheriff and deputy sheriffs.

other fees to which the sheriff and his deputies are now entitled to by law shall in all cases be charged as a part of the costs in all criminal and civil cases in all courts of justices of the peace and in the Superior Court, and when collected, all such fees shall be paid into the county treasury to help defray the expense and operation of the sheriff's office.

Supervision of county jail by county commissioners.

Appointment of jailer.

Approval of salary.

Compensation to jailer for boarding prisoners.

SEC. 4. The supervision of the county jail of Polk County be, and it is hereby, placed under the supervision of the board of county commissioners of said county. A jailer shall be appointed by the board of commissioners, with the approval of sheriff, who shall also be a deputy sheriff and who shall receive an annual salary of not less than nine hundred dollars ($900.00) nor more than twelve hundred dollars ($1,200.00) per annum, to be fixed by the board of county commissioners, payable in equal monthly installments. In addition to the foregoing salary, for boarding prisoners of the county, the said board shall pay the jailer a per diem for the board of each prisoner, and the amount so fixed shall, in the discretion of the said board, be not less than fifty cents (50c) nor more than one dollar ($1.00) per day for each prisoner so boarded.

Turnkey fees.

SEC. 5. All persons who are convicted and adjudged to pay a fine or a fine and cost in any court of Polk County and who may have served any time in the county jail in connection therewith shall be required to pay as additional court cost in such case the sum of one dollar ($1.00) per day for each day spent in jail and a turnkey fee of one dollar ($1.00), which said amount shall be paid into the county treasury to help defray the expense of the operation of the county jail.

Monthly report required of Justices of Peace.

Remittance of fee collections to county treasurer.

SEC. 6. Every Justice of the Peace in Polk County be, and he is hereby, required to make a written monthly report not later than the tenth day of the month following the effective date of this Act and monthly thereafter to the Treasurer of Polk County setting forth in detail all cases tried and disposed of by him during the preceding month, and at the same time he shall turn over to the county treasurer all funds collected by him which may be due the county for witness fees, mileage, and other costs and fees which would heretofore have been due the sheriff or any of his deputies.

Monthly report required of county jailer.

SEC. 7. The county jailer of Polk County shall be required to make a written monthly report on or before the tenth day of each month following the effective date of this Act to the county treasurer, furnishing him with an accurate

statement of the number of prisoners boarded by him in the county jail during the preceding month and the date of the discharge of such prisoner, including the number of turnkey fees charged in the case.

Monthly report required of Clerk Superior Court.

SEC. 8. The Clerk of the Superior Court of Polk County be, and he is hereby, required to make a written report to the county treasurer not later than thirty days after the expiration of each term of Superior Court of said county, stating therein the number of cases disposed of at said term of court and the amount of funds collected which have heretofore been due the sheriff or his deputies, and to turn the same over to the county treasurer at the time of the filing of such report.

Collections deposited with county treasurer.

Effective date.

SEC. 9. This Act shall become effective on the first day of the month following the date of its ratification.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 457 CHAPTER 348

AN ACT TO AMEND SECTION 115-304 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CHIEF ATTENDANCE OFFICERS FOR THE ENFORCEMENT OF THE COMPULSORY SCHOOL ATTENDANCE LAW SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO EMPLOY SUCH OFFICER.

The General Assembly of North Carolina do enact:

G. S. 115-304, amended to provide for appointment by Polk County Commissioners of chief school attendance officer.

SECTION 1. That Section 115-304 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows:

Salary of attendance officer.

In Polk County the board of county commissioners are authorized, in their discretion, to employ the chief attendance officer authorized by this Section and fix his salary; such salary so fixed shall be paid from funds derived from fines, forfeitures and penalties, or other local funds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 460 CHAPTER 349

AN ACT TO MAKE ARTICLE 12 OF CHAPTER 131 OF THE GENERAL STATUTES OF NORTH CAROLINA APPLICABLE TO THE CITY OF HIGH POINT, GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Provisions of Hospital Authorities law made applicable to City of High Point.

SECTION 1. All the provisions of Article 12, Hospital Authorities Law, of Chapter 131 of the General Statutes of North Carolina, shall apply to the City of High Point, Guilford County, North Carolina, as fully as if the population of such city exceeded seventy-five thousand (75,000) inhabitants.

Conflicting laws repealed.

SEC. 2. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 464 CHAPTER 350

AN ACT TO RE-ENACT THE PROVISIONS OF CHAPTER 492 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE COLLECTION OF DELINQUENT TAXES IN HENDERSON COUNTY AND TO AID IN THE COLLECTION THEREOF, AND TO MAKE OPTIONAL THE ACCEPTANCE OF PREPAYMENT OF TAXES.

The General Assembly of North Carolina do enact:

Ch. 492, Public-Local Laws, 1939, relating to adjustment of delinquent taxes, Henderson County, amended to extend time limitation.

SECTION 1. All the provisions of Chapter 492 of the Public-Local Laws of 1939, except Section 4 thereof, are hereby re-enacted, and shall remain in force for a period of four years from and after the effective date of this Act. The Board of Commissioners of Henderson County are authorized to set

up a record of back taxes, to index, reconcile and compile same, and by appropriate resolution to constitute this record the official record of back taxes owed to the county and on which any interested persons may rely.

Prepayment of taxes.

SEC. 2. The County Commissioners of Henderson County, in their discretion, may accept prepayment of taxes and allow the discounts as is now provided by the general law or in their discretion may decline to accept such prepayment of taxes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 465 **CHAPTER 351**

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HENDERSON COUNTY TO EMPLOY AN ADDITIONAL DEPUTY SHERIFF AND DEPUTY REGISTER OF DEEDS, AND TO PROVIDE FOR THEIR SALARIES, AND TO REGULATE THE SALARIES OF CERTAIN OTHER COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Employment of additional deputy sheriff, Henderson County, authorized.

SECTION 1. The Board of Commissioners of Henderson County may in their discretion authorize the sheriff to employ on additional deputy on the same terms and conditions and for the same salary as those presently employed and to continue such employment for such term as in their discretion appears necessary for the proper enforcement of law, and are authorized to pay the salary and necessary expenses of such deputy out of funds arising from special levies for operation of courts.

Payment of salary and expenses.

Employment of additional deputy register of deeds authorized.

SEC. 2. The Board of Commissioners of Henderson County may in their discretion authorize the register of deeds to employ an additional deputy register of deeds or clerk on

the same terms and conditions and for the same salary as those presently employed and to continue such employment for such term as in their discretion the needs of the office require. The action of the commissioners heretofore in employing clerical assistance for the register of deeds is hereby confirmed, approved, and validated.

Salaries now paid to officials and assistants validated.

SEC. 3. The salaries now paid to the several elected officials, deputies, assistants and clerks are hereby confirmed, approved and validated, and shall constitute the base pay of those said officials, deputies, assistants and clerks.

County commissioners authorized to grant salary increases to certain county officials and employees.

SEC. 4. The County Commissioners of Henderson County are authorized in their discretion to grant a raise in salary, not exceeding ten per cent (10%) of their present base salary, to the permanent full time county employees and elected officials consisting of the chairman of the board of county commissioners, Clerk of Court, tax collector, tax supervisor, register of deeds, sheriff, health officer, and their authorized deputies, assistants and clerks who are full time employees of Henderson County.

Basis for determination of increases.

The amount of salary for the purpose of determining this raise shall be the total amount drawn by the elected official or employee without regard to the source from which it comes, so long as it is not a State or Federal source.

Intent of Act.

It is the intent of this Act that this raise shall be limited to those employees whose full saary is paid by the county. It is not the intent of this Act to grant the commissioners any authority other than that they now have relative to employees who are paid partly by county funds and partly from other sources, either State or Federal, for the reason that these salaries are determined by factors over which county commissioners have no control.

Effective date of salary increases.

Such increase in salary, not exceeding ten per cent (10%), shall become effective on July 1st, 1947, and remain in effect for a period of two years thereafter, unless sooner terminated by the board of commissioners.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. Section 3 of this Act shall become effective immediately upon the ratification of this Act, and all other provisions of this Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 471 CHAPTER 352

AN ACT RELATING TO THE TOWN CLERK AND TREASURER OF THE TOWN OF CORNELIUS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall not be necessary that the person holding the office of Town Clerk and Treasurer of the Town of Cornelius, in Mecklenburg County, North Carolina, be a qualified voter in said town but such officer must be a qualified voter in Mecklenburg County.

Residence qualifications of Town Clerk and Treasurer, Town of Cornelius.

SEC. 2. That all acts heretofore done and performed, as such town clerk and treasurer, by the person now performing the duties of that office in the Town of Cornelius be and the same are hereby in all respects ratified and confirmed.

Acts of present officials validated.

SEC. 3. That all laws and clauses of laws in conflict with Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 476 CHAPTER 353

AN ACT TO REPEAL CHAPTER 713 OF THE PUBLIC-LOCAL LAWS OF 1911 RELATING TO THE ESTABLISHMENT OF A RECORDER'S COURT FOR THE TOWN OF COOLEEMEE AND JERUSALEM TOWNSHIP IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 713 of the Public-Local Laws of 1911 relating to the establishment of a Recorder's Court for the Town of Cooleemee and Jerusalem Township in Davie County be, and the same is hereby, repealed.

Ch. 713, Public Local Laws, 1911, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 482 **CHAPTER 354**

AN ACT TO PLACE DARE COUNTY UNDER THE PROVISIONS OF CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE AUTHORIZATION AND CREATION OF SCHOOL DISTRICTS, THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF SCHOOL DISTRICTS FOR SPECIAL BOND TAX UNITS, AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SCHOOL BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Ch. 279, Public-Local Laws, 1937, relating to creation of school districts, amended to apply to Dare County.

SECTION 1. Section 11 of Chapter 279 of the Public-Local Laws of 1937 is amended by striking out the period at the end of said Section and adding the following:

and Dare County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 484 **CHAPTER 355**

AN ACT AUTHORIZING THE WAKE COUNTY BOARD OF ALCOHOLIC CONTROL TO DISTRIBUTE TO CITIES AND TOWNS IN WAKE COUNTY IN WHICH STORE IS OPERATED A PERCENTAGE OF THE TOTAL PROFITS FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina do enact:

Distribution of profits from ABC stores, Wake County.

SECTION 1. That the Wake County Board of Alcoholic Control be and is hereby authorized to expend the sum of ten per cent (10%) of the total profits from the sale of alcoholic beverages in said county for law enforcement, and to pay over quarterly to cities and towns in which stores for the sale of alcoholic beverages are operated by said board for law enforcement purposes all of said sum not expended by

the said board by the person or persons appointed by it for law enforcement purposes. The funds, however, turned over to said cities and towns shall not be less than five per cent (5%) of the said total profits, and said funds paid to said cities and towns shall be used solely for law enforcement purposes and shall be prorated to said cities and towns upon a ratio of sales made in said cities and towns as shown by quarterly audits.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall become effective on and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 488 **CHAPTER 356**

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS, 1923, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO, SO AS TO EXTEND THE CORPORATE LIMITS OF THE CITY, TO FIX THE AUTHORITY OF THE MAYOR PRO TEM, TO VALIDATE ACTS PERFORMED BY THE MAYOR PRO TEM, AND TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 37, Private Laws 1923, as amended, the same being the charter of the City of Greensboro, is hereby amended as follows: Ch. 37, Private Laws, 1923, amended.

Subsection (a). Section 2 (a) of said Chapter 37, Private Laws 1923, is hereby amended so that the corporate limits of the City of Greensboro, as heretofore defined, are hereby altered so as to include therein the following described territory, to-wit: Corporate limits, City of Greensboro, extended.

Beginning at a point in the northern corporation line of the City of Greensboro said point being where said corporation line intersects the western boundary of the Kirkwood subdivision, copy of said subdivision being recorded in Plat Book 8, Page 96, Guilford County Register of Deeds Office Description of territory to be annexed.

and being referenced by coordinates 31,562.13 North and 27,208.93 West City of Greensboro datum and running thence along the western limits of said Kirkwood subdivision North 1 degree 5 minutes East a distance of 964.01 feet to a point; thence along the northern limits of said subdivision South 88 degrees 47 minutes East 1777.10 feet to a point; thence South 1 degree and 1 minute West 257.65 feet to a point; thence continuing with the northern limits of said subdivision South 88 degrees 58 minutes East, 989.10 feet to a point; thence with the eastern limits of said Kirkwood subdivision South 1 degree 39 minutes West 490.10 feet to a point; thence continuing with said subdivision limits South 25 degrees 16 minutes East 387.02 feet to a point in the northern corporation line of the City of Greensboro; thence with the northern corporation line of the City of Greensboro North 86 degrees 19 minutes 30 seconds West, a distance of 2937.85 feet to the point of beginning.

Status of annexed territory.

The territory hereby annexed to City of Greensboro shall have exactly the same status in every respect as the territory within the present corporate limits of the city, but outside of the corporate limits of the city as the same existed just prior to March 15th, 1923.

Chapter further amended to provide for mayor pro tem in absence of mayor.

Subsection (b). Chapter 37, Private Laws of 1923, is hereby amended by adding thereto a new Section between Section 9 and Section 10 in words and figures as follows:

SECTION 9½. When the mayor is absent from the city or is unable to perform the duties of his office the mayor pro tem shall have full power and authority to discharge all such duties.

Prior acts of mayor pro tem validated.

All acts heretofore performed by the Mayor Pro Tem of the City of Greensboro are hereby validated.

Subsection (c). Chapter 37, Private Laws 1923, Chapter IV, is hereby repealed and a new Chapter IV is substituted in lieu thereof as follows:

Chapter IV—NOMINATION OF CANDIDATES

Nomination of candidates for elective offices.

SECTION 33. All candidates to be voted for at all general municipal elections, at which time councilmen and any other elective officers are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot for the city except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election

Date of primary elections.

appointed for the general municipal election shall, whenever practical, be judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations, and subject to the same conditions, and the polls to be opened and closed at the same hours as are required for said general election. Any person desiring to become a candidate for nomination by the primary for the office of councilman or any other elective office shall, at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

Regulation of primary elections.

Statement of candidacy for nomination by primary.

State of North Carolina

County of Guilford

I, ..., being first duly sworn, say that I reside at ..... Street, City of Greensboro, County of Guilford, State of North Carolina; that I am a candidate for nomination to the office of councilman (or other office) to be voted upon at the primary election to be held on ..... Monday of ..... 19..... and I hereby request that my name be printed upon the official ballot for nomination by such primary election to such office.

Form of statement.

Signed.....

Subscribed and sworn to (or affirmed) before me by.....

..... on this .....

day of ..... 19.....

Signed.....

And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars ($5.00).

Filing fee.

Immediately upon the expiration of the time for filing the petitions of candidates, the said city clerk shall cause to be published, for three successive days in all daily newspapers published in the city, in proper form the names of the persons as they are to appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballots the names of the candidates for council-

Publication of names of candidates.

Printing of ballots.

man, arranged alphabetically, shall first be placed with a square at the left of each name, and immediately below the words "Vote for 7." Like provision shall be made for the names of candidates for each other elective office provided by law.

Form of ballots.

The ballots shall be printed upon plain, substantial white paper, and shall be headed:

"Candidates for nomination for councilmen (and other offices, naming them), of City of Greensboro, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions).

Official primary ballot, candidates for nomination for councilmen (and other offices, naming them), of the City of Greensboro, North Carolina, at the primary election.

For Councilmen (name of candidates) (vote for 7).

Official ballot — Attest: Signature.....)
(City Clerk)

Delivery of ballots to polling places.

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to 25 per cent greater than the number of persons registered in said precinct.

Persons qualified to vote at primary election.

Challenges.

The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city under such rules as may be prescribed by the council, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however,* that the law applicable to challenge at a general municipal election shall be applicable to challenge made at such primary election.

Counting of ballots.

Judges of election shall immediately upon the closing of the polls count the ballots, and ascertain the number of votes cast in such precincts for each of the candidates and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of the closing of the polls.

Canvass of returns.

On the day following the said primary election the city clerk shall canvass such returns so received from all the polling precincts and shall make and publish in all daily newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made.

Candidates receiving highest number of votes for respective offices declared candidates at next general election.

The fourteen candidates receiving the highest number of votes for councilmen and the two candidates receiving the highest number of votes for any

other elective office, shall be the candidates, and the only candidates whose names shall be placed upon the respective ballots at the next succeeding general municipal election.

Nominations without contest.

SEC. 34. If there be not more than fourteen candidates for councilmen then it shall not be necessary to hold a primary but all candidates for councilmen shall be declared nominated, and the clerk shall place their names upon the election ballot, or if there be no more than two candidates for any other elective office, no primary need be held on said office.

Subsection (d). Chapter 37, Private Laws 1923, Chapter V, Section 35, is hereby repealed and a new Section 35 is substituted in lieu thereof as follows:

Election of city council and other elective officials.

SEC. 35. There shall on the first Tuesday after the first Monday in May, 1947, be elected seven councilmen, who together shall constitute the city council, and there shall also, at the same time, be elected such other elective officers as may be provided by law. The council shall divide the city into as many precincts as it shall deem necessary for the convenience of the voters.

Chapter further amended to provide that councilmen be elected by voters of city at large.

Subsection (e). Chapter 37, Private Laws 1923, Section 36 is hereby repealed and a new Section 36 substituted in lieu thereof as follows:

The seven members of said city council shall be nominated and elected from and by the voters of the city at large.

Subsection (f). Chapter 37, Private Laws 1923, Chapter V, Section 37 is hereby repealed and a new Section 37 is substituted in lieu thereof as follows:

Ballots provided to each precinct by city clerk.

SEC. 37. The city clerk shall cause ballots to be printed for each precinct as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of the said candidates for councilmen, arranged alphabetically, shall first be placed, wit ha square at the left of each name, and immediately following the words "Vote for 7." Following those names, likewise arranged in alphabetical order, shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots shall be printed upon plain substantial, white paper, and shall be headed:

Form of ballots.

"Candidates for election for councilmen (and other officers) of the City of Greensboro, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.

Official municipal ballot, candidates for councilmen (and other officers) of the City of Greensboro, North Carolina, at the muncipal election.

For councilmen (name of candidates), (vote for 7).

Official ballot — Attest: Signature.....
City Clerk

Subsection (g). Chapter 37, Private Laws 1923, Chapter V, Section 39 is hereby repealed and a new Section 39 is substituted in lieu thereof as follows:

Canvassing board composed of all registrars.

SEC. 39. On the day following the day of election all of the registrars of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and the seven candidates receiving the highest number of votes for each of the positions of councilmen shall be declared elected councilman of the city at large, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the report shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed with the city clerk, who, the same day, shall publish the result of the election at the door of the city hall.

Tabulation of votes.

Certification of results of election by canvassing board.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 493 **CHAPTER 357**

AN ACT RELATING TO THE MANNER OF NOMINATING AN ELECTING THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Election of Board of Commissioners for County of Beaufort.

SECTION 1. At the general election to be held in 1948, and biennially thereafter, the qualified voters of Beaufort County shall elect five persons who shall be styled "The Board of Commissioners for the County of Beaufort" and who shall hold office until their successors are elected and qualified.

One member from District No. 1.

SEC. 2. One Member of the Board of Commissioners for Beaufort County must be a resident of Richland Township, which, for the purpose of this Act, shall be designated as District Number One.

One member from District No. 2.

SEC. 3. One Member of the Board of Commissioners for Beaufort County must be a resident of Chocowinity Township, which, for the purpose of this Act, shall be designated as District Number Two.

One member from District No. 3.

SEC. 4. One Member of the Board of Commissioners for Beaufort County must be a resident of Washington Township including the City of Washington, or that part of Long Acre Township within the corporate limits of the Town of Washington Park, which, for the purpose of this Act, shall be designated as District Number Three.

One member from District No. 4.

SEC. 5. One Member of the Board of Commissioners for Beaufort County must be a resident of Long Acre Township outside that part within the corporate limits of the Town of Washington Park, or that part of Bath Township not within the boundaries of the Belhaven Recorder's Court district, which, for the purpose of this Act, shall be designated as District Number Four.

One member from District No. 5.

SEC. 6. One Member of the Board of Commissioners for Beaufort County must be a resident of Pantego Township, or that part of Bath Township within the boundaries of the Belhaven Recorder's Court district, which, for the purpose of this Act, shall be designated as District Number Five.

Nomination of only one candidate from each district.

SEC. 7. In all primary elections of any political party to nominate candidates for the offices of County Commissioners for Beaufort County, the qualified voters of such political party within the county shall vote for and nominate only one candidate for county commissioner from each of the five districts designated by this Act.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 504 **CHAPTER 358**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT CORONER OF HENDERSON COUNTY AND TO FIX HIS FEES.

The General Assembly of North Carolina do enact:

Appointment of assistant coroner, Henderson County, authorized.

SECTION 1. The Coroner of Henderson County, with the written consent and approval of the Superior Court Judge resident in his district, may appoint an assistant coroner of said county, who before entering upon his duties shall take and prescribe the oath prescribed by law for coroners: *Provided,* that no more than one such assistant coroner shall hold office in said county at one time. Upon compliance with the provisions of this Section, such assistant coroner shall be fully authorized and empowered to perform all the duties and functions of the office of coroner of said county as the coroner himself, and all acts, orders and judgments of such assistant coroner shall be entitled to the same faith and credit as those of such coroner. Such assistant coroner shall be subject in all respects to all laws which apply to the coroner. The Coroner of Henderson County shall be held responsible for the acts of his assistant coroner.

Duties of assistant coroner.

Fee of coroner for holding inquest.

SEC. 2. The Coroner of Henderson County, for holding an inquest over a dead body, shall receive a fee of ten dollars ($10.00) and, if necessarily engaged in the inquest for more than one day, shall receive for each additional day the sum of ten dollars ($10.00).

Compensation of assistant coroner.

SEC. 3. The assistant coroner provided for in this Act shall receive no compensation except in those cases in which he acts in the absence of the coroner, in which case he shall receive the same fees as the coroner of said county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 509 **CHAPTER 359**

AN ACT TO AMEND SECTION 28-99 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SALES OF PROPERTY CONVEYED TO A PERSONAL REPRESENTATIVE FOR THE BENEFIT OF THE ESTATE HE REPRESENTS AND TO VALIDATE PRIVATE SALES BY SUCH REPRESENTATIVE MADE PRIOR TO JANUARY 1ST, 1925.

The General Assembly of North Carolina do enact:

SECTION 1. Section 28-99 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following: G. S., 28-99, amended.

In all cases where sale is made of real property acquired by a personal representative for the benefit of the estate he represents, such sale being in good faith and upon a valuable consideration, even though said sale was not made after due advertisement as for judicial sales, and no action has been taken by the heirs of the deceased persons to annul such sales by litigation or otherwise, any and all such sales held prior to January 1st, 1925, if deed has been delivered, are hereby validated. Certain private sales by personal representative for benefit of estate, Forsyth and Surry Counties, validated.

SEC. 2. This Act shall apply only to Forsyth and Surry Counties. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 512 **CHAPTER 360**

AN ACT RELATING TO THE APPOINTMENT OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF MILWAUKEE IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 82 of the Private Laws of 1915 is amended by striking out Sections 3 and 4 and inserting in lieu thereof the following: Ch. 82, Private Laws, 1915, amended.

Election of mayor, town commissioners and constable, Town of Milwaukee.

SEC. 3. That the officers of said town shall consist of a mayor, a board of town commissioners, and a constable, and said officers shall be elected on Tuesday after the first Monday in May, 1949, and biennially thereafter, and shall have all the power and authority vested in such officers for the assessment of property, the levy and collection of taxes, and for the government of said town as is vested in such officers by the law regulating the government of cities and towns of North Carolina.

Town officials named to serve until election is held.

SEC. 4. That until the officers of said town are elected as provided in Section 3 hereof and until their successors are named and qualified, S. G. Askew shall serve as mayor and W. B. Johnson, C. A. Ponton, and Ralph Askew shall serve as town commissioners. Said commissioners may fill any other offices now vacant in said town as provided by Chapter 160 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 516 CHAPTER 361

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO FIX THE SALARIES OF MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY AT TWELVE HUNDRED DOLLARS ($1,200.00) AND FIFTEEN HUNDRED DOLLARS ($1,500.00) RESPECTIVELY AND TO FIX THEIR SALARIES FOR EXTRA SESSIONS AT TWO HUNDRED AND FIFTY DOLLARS ($250.00) AND THREE HUNDRED DOLLARS ($300.00) RESPECTIVELY.

The General Assembly of North Carolina do enact:

Section 28, Art. 2, Constitution of North Carolina, amended.

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 28, Article 2, and inserting in lieu thereof the following:

Compensation of members and presiding officers of General Assembly.

SEC. 28. Pay of Members and Presiding Officers of the General Assembly. The Members of the General Assembly for the term of their office shall receive a salary for their services of twelve hundred dollars ($1,200.00) each. The salaries of the Presiding Officers of the two Houses shall be fifteen hundred dollars ($1,500.00) each. *Provided,* that in addition to the salaries herein provided for, should an Extra Session of the General Assembly be called, the Members shall receive two hundred and fifty dollars ($250.00) and the Presiding Officers of the two Houses three hundred dollars ($300.00) for such Extra Session.

Amendment to be submitted to voters at next general election.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election after ratification of this Act.

Form of ballot.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed, "For fixing salaries of Members of the General Assembly at twelve hundred dollars ($1,200.00) and Presiding Officers at fifteen hundred dollars ($1,500.00) and fixing salaries for Extra Sessions at two hundred and fifty dollars ($250.00) and three hundred dollars ($300.00) respectively"; those opposed shall vote a ballot on which shall be written or printed the words, "Against fixing salaries of Members of the General Assembly at twelve hundred dollars ($1,200.00) and Presiding Officers at fifteen hundred dollars ($1,500.00) and fixing salaries for Extra Sessions at two hundred and fifty dollars ($250.00) and three hundred dollars ($300.00) respectively."

Rules and regulations governing election.

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force and every part thereof from and after date of such certification.

Certification of amendment.

Enrollment.

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 517 CHAPTER 362

AN ACT TO REQUIRE THE TOWNS OF TRYON AND SALUDA IN POLK COUNTY TO PAY CERTAIN JAIL AND OTHER FEES TO POLK COUNTY IN CASES GROWING OUT OF PUBLIC DRUNKENNESS AND VIOLATIONS OF TOWN ORDINANCES.

The General Assembly of North Carolina do enact:

Towns of Tyron and Saluda required to pay certain jail and other fees to Polk County.

SECTION 1. In all cases where any person is arrested for public drunkenness or for a violation of a town ordinance by the peace officers of the Towns of Tryon or Saluda, in Polk County, and is committed to the common jail of Polk County, the Town of Tryon or the Town of Saluda, as the case may be, shall pay all turnkey fees, jail fees and other fees and expenses by reason of such commitment now or hereafter required by law to be paid to the County of Polk, or to the county jailer, or other county officer entitled thereto.

Separate jail records maintained for arrests made by officers of the towns of Tryon and Saluda.

SEC. 2. The Sheriff of Polk County, or his deputy, or other person employed and placed in charge of the Polk County jail shall keep a separate list of all persons arrested by the peace officers of the Town of Tryon or Saluda and shall submit a list of the names of such persons, the date of arrest and the date of discharge, together with a list of all t urnkey and other fees or expenses incurred by reason of such persons' commitments to the Polk County jail under the circumstances herein set out to the Treasurer of the Town of Tryon or the Town of Saluda, as the case may be, on or before the tenth day of the month following any such commitments. The Town Treasurer of the Town of Tryon or of the Town of Saluda, as the case may be, shall have the right to inspect such jail records as may be necessary for them to verify the charges so made.

Inspection of records by treasurers of Tryon and Saluda.

Payment of fees and expenses.

SEC. 3. The Treasurer of the Town of Tryon or of the Town of Saluda, as the case may be, is hereby directed to pay the amount of such turnkey fees, jail fees and other necessary expenses covered by the report required by Section 2 of this Act within five days after the receipt of the report and statement covering such expenses.

SEC. 4. The fees to be paid by the Town of Tryon or the Town of Saluda, as the case may be, for the expenses of the prisoners of the class specified in this Act shall be the same as paid by the county for county prisoners. County rate applies.

SEC. 5. In all cases where any prisoner of the class mentioned in this Act is tried by the Mayor of the Town or of the Town of Saluda, as the case may be, and sentenced to and actually serves a term on the public highways in lieu of the payment of a fine and costs, the County of Polk shall reimburse the Town of Tryon or the Town of Saluda, as the case may be, all turnkey fees, jail fees and other expenses incurred by such prisoner or prisoners; provided, however, that this reimbursement shall only be made in case such prisoners have been actually sentenced to and are serving sentences on the public highways of this State under the supervision of the State Highway and Public Works Commission. Reimbursement in cases where sentences are served.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 524 **CHAPTER 363**

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE CITY OF BRYSON CITY NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshal, police officers or other officers or employees of the City of Bryson City, except that the mayor and the members of the board of aldermen shall be qualified voters of the municipality. Certain officials of Bryson City not required to be qualified voters therein.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 525 **CHAPTER 364**

AN ACT TO FIX THE TERMS OF OFFICE OF THE PRESENT MEMBERS OF THE COMMITTEE OF THE REIDSVILLE GRADED SCHOOL DISTRICT AND TO REGULATE SUBSEQUENT ELECTIONS OF THE REIDSVILLE GRADED SCHOOL DISTRICT COMMITTEE.

Preamble:

Election of members of committee of Reidsville Graded School District.

WHEREAS, the law provides that the Members of the Committee of the Reidsville Graded School District shall be elected at the general election of officers of the City of Reidsville; and

Committee composed of three classes of two members each.

WHEREAS, the Committee of the Reidsville Graded School District is composed of six members divided into three classes of two members each; and

Terms of members.

WHEREAS, the members of one class are elected every two years for a term of six years each; and

Terms expire in odd years.

WHEREAS, since the creation of the Reidsville Graded School District Committee in 1887, the terms of its members have expired in odd years; and

General elections held in even years.

WHEREAS, general elections for the City of Reidsville are now and have been for a number of years held on the Tuesday after the 1st Monday in May of even years; and

Resultant delay in taking office.

WHEREAS, the result is that committeemen elected in May of even years do not take office until July 1st of the next odd years; and

WHEREAS, this year's delay in taking office is not in the best interests of the said school district; and

Request for remedy of situation.

WHEREAS, the Committee of the Reidsville Graded School District and the City Council of the City of Reidsville have unanimously, requested that the situation be remedied: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. The terms of office of the presently elected mem-

bers of the Committee of the Reidsville Graded School District shall expire in classes as follows:

Expiration date of terms of present members of committee.

First Class: The terms of Dr. William S. Hester and Dr. J. S. Moore shall expire on July 1st, 1948.

First class.

Second Class: The terms of Mr. William Nichols and Dr. Paul W. Fetzer shall expire on July 1st, 1950.

Second class.

Third Class: The terms of Mr. K. R. Thompson and Mr. Charles H. McKinney shall expire on July 1st 1952.

Third class.

Should any person be appointed to fill the unexpired term of any of the above named members, the term of said appointee shall expire at the end of the term of the member whom he replaced.

Terms of persons appointed to fill vacancies.

SEC. 2. Vacancies in the Committee of the Reidsville Graded School Committee shall be filled by the Committee for the remainder of the unexpired term.

Vacancy appointments.

SEC. 3. That the successors to the committeemen now composing the first class shall be elected for a term of six years at the general election for officers of the City of Reidsville to be held on the first Tuesday after the first Monday in May, 1948; the successors to the second class shall likewise be elected for a term of six years at said general election to be held in May, 1950; and the successors to the third class shall likewise be elected for a term of six years at said general election to be held in May, 1952. Thereafter, at the expiration of the term of each class its successors shall be elected for six-year terms.

Provision for election of successors to present committeemen.

SEC. 4. Members of said Committee shall be elected by the qualified voters of the said Graded School District at the same time and place, in the same manner, and under the same regulations as are the Members of the City Council of the City of Reidsville. The registration of the voters of the Reidsville Graded School District shall be kept separate from registration of the voters of the city and separate registration books shall be provided. The registrar and judges of election appointed to hold the city election shall likewise hold the election of the school committeemen.

Regulations governing election.

Separate registration of voters of Reidsville Graded School District.

SEC. 5. The City Council of the City of Reidsville shall have the power to divide the Reidsville Graded School District into election precincts and, from time to time, to alter or discontinue precincts or to create new election precincts as it may deem expedient, but precincts shall conform, insofar as it is possible, in view of the facts that the limits of the city and the school district are not identical, with the election precincts of the City of Reidsville. The city council may, from time to time, in its discretion, order a new registration of the voters of the entire district or of any election precinct thereof. When-

City Council authorized to divide into election precincts.

City council may order new registration.

ever a new registration is ordered for any precinct of the city, a new registration shall be ordered for the corresponding precinct of the Reidsville Graded School District.

Notice of candidacy for membership on School District Committee.

SEC. 6. To be eligible for election to membership on the Committee of the Reidsville Graded School District a candidate shall file a written notice of his candidacy with the Clerk of the City of Reidsville at least fifteen days prior to the date on which the election is to be held.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 527 CHAPTER 365

AN ACT FIXING THE TERMS OF OFFICE OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF JONES COUNTY.

The General Assembly of North Carolina do enact:

Election of members of Board of Commissioners, Jones County.

SECTION 1. At the time of the holding of the primary and general election for county officials in the year 1950 there shall be nominated and elected in Jones County, in accordance with the laws governing such primary and election, five persons to be chosen from the body of the county, who shall compose the Board of Commissioners of Jones County, and who shall hold office for two years from the first Monday of December next succeeding their election, and until their successors are elected and qualified.

Terms of office.

Vacancy appointments prior to such election.

SEC. 2. Any vacancy occurring in the membership of the Board of County Commissioners of Jones County by expiration of term or otherwise, prior to the holding of the primary and election as provided in Section 1 of this Act and the qualification of the board of county commissioners elected thereunder, shall be filled by election or otherwise, as now provided by law, but only for a term ending upon the election and qualification of the board of county commissioners as provided in Section 1 of this Act.

SEC. 3. From and after the ratification of this Act no Member of the Board of County Commissioners of Jones County shall be elected for a longer term than two years.

Limitation on term of office of members.

SEC. 4. At the time of the holding of the primary for the naming of candidates for county office in the year 1950 there shall be nominated in Jones County three persons to be chosen from the body of the county to serve as the Board of Education of Jones County, for terms of two years each, upon their appointment by the General Assembly of North Carolina and their qualification in accordance with law.

Nomination of members of Board of Education.

Terms.

SEC. 5. Any vacancy occurring in the membership of the Board of Education of Jones County by expiration of term or otherwise, prior to the nomination, appointment and qualification of three members of the board of education as provided in Section 4 of this Act, shall be filled as now provided by law, but only for a term ending upon the qualification of the members of the board of education nominated in the primary of 1950, as provided in Section 4 of this Act.

Vacancy appointments prior to such nomination.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 531 **CHAPTER 366**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT CORONER OF NEW HANOVER COUNTY AND TO FIX HIS FEES.

The General Assembly of North Carolina do enact:

SECTION 1. The Coroner of New Hanover County, with the written consent and approval of the Superior Court Judge resident in his district, may appoint an assistant coroner of said county, who before entering upon his duties shall take and prescribe the oath prescribed by law for coroners:

Appointment of assistant coroner, New Hanover County, authorized.

Provided, that no more than one such assistant coroner shall hold office in said county at one time. Upon compliance with the provisions of this Section, such assistant coroner shall be fully authorized and empowered to perform all the duties and functions of the office of coroner of said county as the coroner

Duties of assistant coroner.

himself, and all acts, orders and judgments of such assistant coroner shall be entitled to the same faith and credit as those of such coroner. Such assistant coroner shall be subject in all respects to all laws which apply to the coroner. The Coroner of New Hanover County shall be held responsible for the acts of his assistant coroner.

Fee of coroner for holding inquest.

SEC. 2. The Coroner of New Hanover County, for holding an inquest over a dead body, shall receive a fee of ten dollars ($10.00) and, if necessarily engaged in the inquest for more than one day, shall receive for each additional day the sum of ten dollars ($10.00).

Compensation of assistant coroner.

SEC. 3. The assistant coroner provided for in this Act shall receive no compensation except in those cases in which he acts in the absence of the coroner, in which case he shall receive the same fees as the coroner of said county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 532 CHAPTER 367

AN ACT PROVIDING FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF CONOVER.

The General Assembly of North Carolina do enact:

Corporate limits, Town of Conover, extended, subject to election.

SECTION 1. Subject to an election herein provided for, the corporate limits of the Town of Conover may be extended so that the said corporate limits of said town shall be located as follows:

Extended corporate limits defined.

Beginning at a cement monument in an open field, the present east corner of the Town of Conover; extending thence S. 16° 15′ W. 5643 feet to a stake in a branch, on line of proposed north boundary of Town of Newton; extending thence with the proposed Newton line S. 62° 45′ W., crossing the Conover-Newton Highway at the Arndt and Herman Lumber Company's southern boundary, 6798 feet to a corner near Jess Bolick's home; thence N. 12° 20′ E. 4752 feet to a corner in the middle of the new highway at a point at its intersection with the St. Paul's Road,

southwest of Emmett Barringer's home; thence N. 15° 35′ W. 3445 feet to a monument in a small pine field, the present west corner of the Town of Conover; thence N. 21° 35′ 5009 feet to a corner in the middle of the county home road at its intersection with a county road; thence with the center of the county road as its meanders in a northeasterly direction 2825 feet to a stake in the center of the Conover-Taylorsville Highway; thence a new line S. 31° E. 5600 feet to the point of beginning.

This description is in accordance with a survey as shown on a plat by G. Sam Rowe dated October, 1946, to which plat reference is made for additional description, which plat will be duly recorded in the Office of the Registrar of Deeds for Catawba County.

Resolution requesting election.

SEC. 2. The Board of Commissioners of the Town of Conover are hereby authorized, in their discretion, to petition, by resolution duly passed, the Catawba County Board of Elections to call an election to determine whether or not such territory shall be annexed to the Town of Conover.

Call of election.

SEC. 3. Within thirty (30) days after the receipt of a resolution requesting such an election, the Catawba County Board of Elections shall call an election to determine whether or not such territory shall be annexed to said Town of Conover.

Contents of call for election.

SEC. 4. The call for said election shall:

(a) Describe the territory proposed to be annexed to the town.

(b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said town and to the qualified voters of the territory to be annexed, said elections to be conducted simultaneously.

(c) Provide for a new or special registration of voters in the territory proposed to be annexed.

(d) Designate one precinct in the territory proposed to be annexed and one precinct in the territory now constituting the corporate limits of the Town of Conover.

(e) Name the registrars and judges of election.

(f) Make all other necessary provisions for the holding and conducting of said elections and the canvassing of returns and a declaration of the results of the voting in each election.

Publication of call for election.

Said call for said elections shall be published in one or more newspapers published in Catawba County once a week for four weeks prior to said election, and by posting copies of said call at three public places in said town.

Form of ballot.

SEC. 5. That at such elections those voters who favor extending the corporate limits as herein provided shall vote ballots on which shall be written or printed the words "For Extension"; and those voters who oppose extending the corporate

Status of annexed territory in event of majority vote for extension.

limits as herein provided shall vote ballots on which shall be written or printed the words "Against Extension." If, at such elections, a majority of the votes cast by the voters residing in the area proposed to be annexed shall be "For Extension," then from and after the first day of January of the year following the election, the territory and its citizens and property shall be subject to all laws, ordinances, regulations, and debts of and enforced in said town and shall be afforded the same privileges, benefits, and facilities as are afforded other comparable parts of said town now within said corporate limits.

Corporate limits not extended in event of majority vote against extension.

SEC. 6. That at said election if a majority of the votes cast by the voters residing in the area proposed to be annexed shall be "Against Extension" and/or if a majority of the votes cast by the voters residing in the area now constituting the corporate limits of the Town of Conover shall be "Against Extension," then and in that event, the corporate limits shall not be extended as proposed herein.

Payment of cost of election.

SEC. 7. The cost of the elections herein provided for shall be paid by the Town of Conover and the said governing board of said town is hereby authorized to expend funds for said purposes.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 533 CHAPTER 368

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF TEACHERS IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Appropriation of A.B.C. profits for increase in teachers salaries, Pasquotank County, authorized.

SECTION 1. The Board of Commissioners of Pasquotank County is hereby authorized and empowered to appropriate to the Board of Education of Pasquotank County so much as fifteen per cent (15%) of the net proceeds received by the county from the operation of alcoholic control stores as will

produce the sum of six thousand dollars ($6,000.00) to be used by the County Board of Education to increase the salaries of public school teachers in the County Administrative Unit. Said appropriation shall be made by the County Board of Commissioners upon the request of the Board of Education, and such appropriation shall be distributed among the teachers in the County Administrative Unit on such basis as may be determined by the County Board of Education and the Superintendent of Public Instruction. It is the intention and purpose of this Act that not more than fifteen per cent (15%) of the net proceeds, or more than six thousand dollars ($6,000.00), shall be used for the purposes herein authorized.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 539 **CHAPTER 369**

AN ACT TO PROVIDE FOR NOMINATIONS OF CANDIDATES FOR THE OFFICE OF MAYOR AND COMMISSIONERS OF THE TOWN OF GRANITE FALLS.

The General Assembly of North Carolina do enact:

Statement of candidacy for mayor or member of Board of Commissioners, Town of Granite Falls, required.

SECTION 1. Any person desiring to become a candidate for the Office of Mayor, or a Member of the Board of Commissioners, of the Town of Granite Falls shall, at least ten days prior to the date of the election to be held for said officers, file with the town clerk a statement of such candidacy in writing, which statement shall give the name and address of said person, be signed by him, and also be signed by not less than fifteen other qualified voters of the town.

Application of Act.

SEC. 2. This Act shall apply only to the Town of Granite Falls.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 545 CHAPTER 370

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Distribution of profits from ABC Stores, Pasquotank County between county and Elizabeth City.

SECTION 1. One-half of the profit derived from the operation of Alcoholic Beverage Control Stores in Pasquotank County shall, hereafter, be paid to Pasquotank County and the other one-half shall be paid to the City of Elizabeth City, it being the intent and purpose of this Act to provide that the county and the city shall each receive fifty per cent (50%) of the profit from the operation of said stores. The profit shall be determined in the manner now prescribed by law and the payments shall be made to the county and city at the time now prescribed by law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws, Public or Public-Local, in conflict with the provisions of this Act are, to the extent of such conflict, repealed.

Effective date.

SEC. 3. This Act shall become effective June 30th, 1947.

In the General Assmebly read three times and ratified, this the 18th day of March, 1947.

H. B. 546 CHAPTER 371

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Chairman, Board of County Commissioners, Pasquotank County.

SECTION 1. The Chairman of the Board of County Commissioners of Pasquotank County, in addition to any other compensation paid him, shall receive an annual salary of twelve hundred dollars ($1,200.00) payable in equal monthly installments of one hundred dollars ($100.00), the first instalment to be paid on August 1st, 1947.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. The provisions of this Act shall be effective as of February 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 550 **CHAPTER 372**

AN ACT TO REQUIRE THE EMPLOYMENT OF ADULT SCHOOL BUS DRIVERS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 115-378 of the General Statutes of North Carolina, as amended, be, and the same is hereby, further amended by adding at the end thereof a new paragraph to read as follows: G. S., 115-378, amended to require employment of adult school bus drivers, Currituck County.

No school bus driver shall be employed to drive school busses in Currituck County who has not reached the age of twenty-one years at the time of such employment.

Any additional salary cost, over and above that paid by the State Board of Education necessarily incurred by the employment of school bus drivers over the age of twenty-one years, shall be paid from local school funds of Currituck County. Additional salary to be paid by county.

SEC. 2. That all laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. B. 569 CHAPTER 373

AN ACT TO AMEND SECTION 9-25 OF THE GENERAL STATUTES TO PROVIDE FOR THE TERMS OF SERVICE OF GRAND JURORS IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

G. S., 9-25, amended.

SECTION 1. Section 9-25 of the General Statutes is hereby amended by adding at the end of said Section the following:

Terms of grand jurors, Washington County.

At the first term of court for the trial of criminal cases in Washington County after the first day of July, 1947, there shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter, at the first regular and not special term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year. The grand jurors shall receive compensation only for the time when actually serving.

Compensation of jurors.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect as of July 1st, 1947.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

S. B. 69 CHAPTER 374

AN ACT TO AMEND SECTION 111-19 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO AID TO THE NEEDY BLIND.

The General Assembly of North Carolina do enact:

G. S., 111-19, amended, as to payment of awards to blind persons upon transfer of residence.

SECTION 1. Amend Section 111-19 of the General Statutes of North Carolina by adding to the end of said Section the following:

Any recipient of aid to the blind who moves to another county in this State shall be entitled to receive aid to the blind in the county to which he has moved, and the board of county commissioners, or its authorized agent, of the county from which he has moved shall transfer all necessary records

relating to the recipient to the board of county commissioners, or its authorized agent, of the county to which he has moved. The county from which the recipient moves shall pay the aid to such recipient for a period of three months following such removal, not in excess of the amount paid before removal, and thereafter aid to such recipient shall be paid by the county to which such recipient has moved subject to the rules and regulations of the North Carolina State Commission for the Blind.

Conflicting laws repealed.

SEC. 2. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

S. B. 101

CHAPTER 375

AN ACT TO PROVIDE FOR THE ADMISSION OF CHILDREN TO THE STATE SCHOOL FOR THE BLIND AND THE DEAF IN RALEIGH, AMENDING G. S. 116-109.

The General Assembly of North Carolina do enact:

G. S., 116-109, amended.

SECTION 1. That G. S. 116-109 be amended so as to read as follows:

Admission of pupils to State School for Blind and Deaf, at Raleigh.

116-109. Admission of pupils; how admission obtained. The board of directors shall, on application, receive in the institution for the purpose of education, in the main department, all white blind children, and in the department for colored all colored deaf-mutes and blind children, residents of this State, not of confirmed immoral character, nor imbecile, nor unsound in mind, nor incapacitated by physical infirmity for useful instruction, who are between the ages of seven and twenty-one years: *Provided*, that pupils may be admitted to said institution who are not within the age limits above set forth, in cases in which the board of directors find that the admission of such pupils will be beneficial to them and in cases in which there is sufficient space available for their admission in said institution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

S. B. 131 CHAPTER 376

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Compensation of members of Board of County Commissioners, Pitt County.

Compensation of Chairman.

SECTION 1. That each Member of the Board of County Commissioners of Pitt County, excepting the Chairman, shall receive as full compensation for his services the sum of twenty-five dollars ($25.00) per month, the Chairman shall receive twenty-five dollars ($25.00) per month until December 1st, 1947, and thereafter the Chairman shall receive fifty dollars ($50.00) per month, said money to be paid from Pitt County funds.

Compensation of Clerk of Superior Court.

Allowance to Clerk for office employees.

SEC. 2. That the Clerk of Superior Court of Pitt County shall receive as full compensation for the performance of his duty as clerk a salary of not less than four thousand two hundred dollars ($4,200.00) nor more than four thousand eight hundred dollars ($4,800.00) per annum, payable monthly, his salary within the minimum and maximum amounts above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant to the Clerk of the Court of Pitt County an allowance for office employees, said allowance to be not less than four thousand eight hundred dollars ($4,800.00) nor more than six thousand six hundred dollars ($6,600.00) per year, payable monthly, the allowance within the minimum and the maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The said payments to be made from Pitt County funds.

Compensation of Register of Deeds.

Allowance to Register of Deeds for office employees.

SEC. 3. That the Register of Deeds of Pitt County shall receive as full compensation for the performance of his duties as register of deeds the sum of not less than three thousand six hundred dollars ($3,600.00) nor more than four thousand two hundred dollars ($4,200.00) per year, payable monthly, his salary within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant an allowance to the Register of Deeds of Pitt County for office employees, said allowance not to be less than five thousand five hundred dollars ($5,500.00) nor more than seven thousand two hundred dollars ($7,200.00)

per annum, payable monthly, the allowance within the minimum and maximum above recited shall be fixed by the Board of County Commissioners of Pitt County. Said monies to be paid from Pitt County funds.

Compensation of Sheriff.

SEC. 4. That the Sheriff of Pitt County shall receive as full compensation for the performance of his duties as sheriff the sum of not less than three thousand six hundred dollars ($3,600.00), nor more than four thousand two hundred dollars ($4,200.00) per annum, payable monthly, his salary within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County, and the Board of County Commissioners of Pitt County is also authorized and empowered to grant to the Sheriff of Pitt County not less than nine hundred dollars ($900.00) nor more than twelve hundred dollars ($1,200.00) travel expenses per year, payable monthly, the said travel expenses between the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County is authorized and empowered to pay to each deputy sheriff of said county, not to exceed two in number, the sum of not less than twenty-one hundred dollars ($2,100.00) nor more than two thousand four hundred dollars ($2,400.00) per year, payable monthly, the salary of each of said deputies sheriff within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The Sheriff of Pitt County is authorized to employ an office deputy sheriff, and the Board of County Commissioners of Pitt County is authorized and empowered to pay not less than three thousand dollars ($3,000.00) nor more than thirty-nine hundred dollars ($3,900.00) per year, payable monthly, for travel expenses of the two deputy sheriffs and the salary of one office deputy, the travel expenses of the deputy sheriffs and the salary of the office deputy sheriff between the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. Said payments shall be made from Pitt County funds.

Allowance to Sheriff for travel expenses.

Compensation of deputy sheriffs.

Employment of office deputy sheriff, authorized.

Payment of salary of office deputy and travel expenses of deputy sheriffs.

Compensation of coroner.

Mileage allowance.

SEC. 5. The Coroner of Pitt County shall receive seven dollars and fifty cents ($7.50) per day for each days service as coroner, and in addition thereto shall receive five cents (5c) per mile for each mile traveled in his official capacity while serving as coroner, his said per diem and mileage to be paid from Pitt County funds.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 7. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

S. B. 154 CHAPTER 377

AN ACT TO CLARIFY THE PROVISIONS OF SECTION 11, CHAPTER 41, OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S., 41-11, amended as to approval of sales or leases of interest of remaindermen.

SECTION 1. That Section 11 of Chapter 41, of the General Statutes of North Carolina, be and the same hereby is amended by adding the following sentence after the word "made" in line 32 on page 195:

The approval by the resident judge of the district may be made by him either in term or at chambers. All orders of approval under said Statute by judges resident in the district heretofore made either in term or at chambers are hereby ratified and validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 10 CHAPTER 378

AN ACT TO AMEND SECTION 120-20 OF THE GENERAL STATUTES RELATING TO THE EFFECTIVE DATE OF STATUTES ENACTED BY THE GENERAL ASSEMBLY, AND TO AMEND SECTION 120-22 RELATING TO THE FORM OF ENROLLED BILLS.

The General Assembly of North Carolina do enact:

G. S., 120-22, relating to enrollment of Acts of General Assembly, amended.

SECTION 1. Section 120-22 of the General Statutes is hereby amended by adding the following after the first sentence and before the second sentence of the Section:

Prior to enrolling any bill the Secretary of State shall substitute the corresponding arabic numerals for any date or for any Section Number of the General Statutes or of any Act of the General Assembly which is written in words.

SEC. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 57 **CHAPTER 379**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 1045 OF THE SESSION LAWS OF 1945 RELATING TO THE ARBITRATION SERVICE IN THE DEPARTMENT OF LABOR.

The General Assembly of North Carolina do enact:

Ch. 1045, Session Laws 1945, creating an arbitration service, Department of Labor, amended.

SECTION 1. Amend Subsection (a) of Section 5 of Chapter 1045 of the Session Laws of 1945 by striking out the word "five" in line seven of said Subsection (a) and inserting in lieu thereof the word "three". Further amend said Subsection (a) of Section 5 of Chapter 1045 of the Session Laws of 1945 by striking out the word "an" in line seven of said Subsection (a) and by inserting in lieu thereof the words "a single".

Arbitration Panel.

SEC. 2. Amend Subsection (b) of Section 5 of Chapter 1045 of the Session Laws of 1945 by rewriting said Subsection (b) so that same shall hereafter read as follows:

Subsection (b), section 5, of said chapter amended as to manner of selecting Arbitration Panel or Arbitrator.

Subsection (b). Manner of Selecting Arbitration Panel or Arbitrator. Such panel or arbitrator shall be chosen in the following manner: In case a panel is desired, the employer shall designate one arbitrator, the union or other representative of the employees shall designate one arbitrator, and they by agreement shall select the third arbitrator, who shall serve as chairman of the panel. If they are unable, within a reasonable time, to agree upon such third arbitrator, he may, upon the request of the parties to the dispute, be appointed by the Commissioner of Labor. Should the parties prefer to submit the dispute to a single arbitrator, and be unable within a reasonable time, to agree upon such an arbitrator, he may, upon the request of the parties to the dispute, be appointed by the Commissioner of Labor. All appointments of third and single arbitrators by the Commissioner of Labor shall be made from the

List of citizens to serve as arbitrators maintained by Labor Commissioner.

list of qualified arbitrators maintained by him. It shall be the duty of the Commissioner of Labor to maintain a list of qualified and public spirited citizens who will serve as arbitrators. The third arbitrator, when appointed by the Commissioner, may be paid, within the discretion of the Commissioner, per diem compensation, at the rate established by the Commissioner of Labor, and actual travel and necessary expenses incurred while performing duties arising under this Act. Necessary stenographic, clerical and technical service and assistance to the panel or arbitrator, in those cases wherein an arbitrator has been named by the Commissioner of Labor, shall be furnished by the Department of Labor. Expenditures provided for under this Section shall be paid from funds appropriated for the administration of this Act.

Compensation of arbitrator appointed by Commissioner.

Subsection (c), Section 5, relating to arbitration procedure, and awards, amended.

SEC. 3. Amend Subsection (c) of Section 5 of Chapter 1045 of the Session Laws of 1945 by striking out the word "recommendations" as the same appears in the twenty-fourth line of said Subsection (c) and by inserting in lieu thereof the word "award". Further amend said Subsection (c) of Section 5 of Chapter 1045 of the Session Laws of 1945 by inserting after the period following the word "reasons" and before the word "arbitration" in the twenty-ninth line of said Subsection (c) the following:

If any panel is unable to reach a unanimous decision on the merits of any issue, the finding and decision of a majority of the members of the panel shall constitute the award of the panel on that issue; if a majority vote cannot be obtained on any issue, the finding and decision of the chairman shall constitute the award of the panel on that issue.

Section 6, Ch. 1045, Session Laws of 1945, rewritten.

SEC. 4. Amend Section 6 of Chapter 1045 of the Session Laws of 1945 by rewriting said Section 6 so that the same shall hereafter read as follows:

Disqualifications for service as arbitrator.

SEC. 6. Disqualification. No person named by the Commissioner of Labor to act as an arbitrator in a dispute which has been submitted to arbitration shall be qualified to serve as such arbitrator if such person has any financial or other interest in the company or union involved in the dispute.

Conflicting laws repealed.

SEC. 5. Repealing Clause. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 198 **CHAPTER 380**

AN ACT TO AMEND SECTIONS 52-58 INCLUSIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SCALE OR WEIGHING DEVICE MECHANICS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 81-52 through 81-58 of the General Statutes of North Carolina is hereby amended by rewriting the same to read as follows: G. S., 81-52 through 81-58, rewritten.

SEC. 81-52. Purpose. The purpose and intent of this Act shall be: Purpose of Act.

(a) To protect the owners and/or users of scales and weighing devices in their needs or requirements for scale repair and service.

(b) To define the name "scale mechanic," provide for scale mechanic registration, and to provide for financial underwriting of services rendered.

SEC. 81-53. Definitions. The definition of certain terms used in this Act shall be as follows: Definitions.

(a) The term "scale mechanic" is defined as meaning any person who, for hire or award, renders service involving adjustment, installation, repair, or maintenance of a scale or weighing device, either used or intended to be used in determining weight value, or values, by either physical act, instruction, or supervision. "Scale mechanic."

(b) The term "adjustment" is defined as meaning an act involving the tightening or loosening, or lengthening or shortening, or movement, of any part of a scale or weighing device, or the co-ordination of mechanical action of parts with or upon each other, so as to make the scale or weighing device give correct indications of applied weight values within legal tolerance, and the correctness of indications shall be determined by test provided for under definition of the term "service" as defined in this Act. "Adjustment."

(c) The term "installation" is defined as meaning an act involving the erection, or building, or assembling of parts, or the placing or setting up of a scale or weighing device so as to give correct indications of applied weight values within legal tolerance when used for the purpose intended, and the correctness of indications shall be determined by test provided for under definition of the term "service" as defined in this Act. "Installation."

(d) The term "repair" is defined as meaning an act involving the replacement or mending of a broken or nonadjustable part or parts and the restoration of a scale or weighing device to such working condition as to give correct indications of "Repair."

applied weight values within legal tolerance when used for the purpose intended, and the correctness of indications shall be determined by test provided for under the term "service" as defined in this Act.

"Maintenance." (e) The term "maintenance" is defined as meaning an act pursuant to the retention of a scale or weighing device in such working condition as to give correct applied weight value indications within legal tolerance when used as intended, which may involve either or both adjustment or repair before or after inaccuracy develops in fact, and the correctness of indications shall be determined by test provided for under the term "service" as defined in this Act.

"Service." (f) The term "service" is defined as meaning activity involving adjustment, installation, repair, or maintenance or a combination of two or more of these activities with respect to a scale or weighing device, and, in addition thereto, a test for determination of the accuracy of weight value indication. Said determination is to be accomplished by applying a series of loads of standard weight on a platter or platform up to capacity on a scale of 30 pounds capacity, and up to 1/4 scale capacity, applied to the respective corners, on a scale having a capacity in excess of 30 pounds.

Prerequisites for scale mechanic. SEC. 81-54. Scale Mechanic. It shall be unlawful for any scale mechanic to render service as a scale mechanic until after he or she has complied with the following requirements:

Copies of Act and regulations. (a) Obtain from the Office of State Superintendent of Weights and Measures a copy of Scale Mechanic Act, a copy of regulations pertinent to said Act, and an application form for registration.

Bond required. (b) Obtain a bond in the sum of one thousand dollars ($1,000.00) issued by a corporate surety company licensed to do business in North Carolina.

Filing of bond. (c) File bond with Clerk of Superior Court of the county in which such applicant resides, unless he or she be a resident of some other state, in which event such bond shall be filed with Clerk of Superior Court in Wake County, North Carolina.

Copy of receipt for bond to be filed with registration application. (d) Obtain receipt in duplicate for such bond filed with Clerk of Superior Court and mail or deliver one copy of such receipt together with the application form for registration, completely filled out, to Office of State Superintendent of Weights and Measures, Raleigh, North Carolina.

Registration card. (e) Obtain a registration card or certificate from State Superintendent of Weights and Measures and a model form of service certificate.

The provisions of this Section shall not apply to a full time employee who renders service only on a scale or weighing device, or on scales or weighing devices, owned solely by his or her employer unless additional pay or compensation is received for such service. Section not applicable to full time employee.

SEC. 81-55. Registration. The State Superintendent of Weights and Measures shall register any person who has complied with the requirements stipulated under this Act by making a record of receipt of application and of bond, and the issuing of a certificate or card of registration to applicant, whereupon the applicant becomes a registered scale mechanic and shall be known thereafter as such. Such registration shall be in effect from date of registration until July 1st next and shall be renewed on the 1st day of July of each year thereafter. Registration authorized upon compliance with requirements.

SEC. 81-56.1. Service Certificate. Whenever any service is rendered on any scale or weighing device used or intended to be used in this State by a scale mechanic, a certificate shall be issued by such scale mechanic who rendered said service, which shall be known as a "service certificate". The size and form of said service certificate will be determined by the State Superintendent of Weights and Measures. Inclusive of other pertinent information or statements, the said certificate shall bear a statement expressed in ink or other indelible substance naming the kind of service rendered, whether adjustment, installation, repair, or maintenance, and stating that a service test as defined under the term "service" has been made, and that the service rendered is guaranteed to be as represented. The service certificate shall be made out in triplicate, with original going to the owner of such scale or weighing device or his agent, and a duplicate shall be sent to office of State Superintendent of Weights and Measures if service is upon a scale or weighing device which has been condemned by a Weights and Measures Inspector, and the triplicate copy shall be retained by the scale mechanic issuing such certificate. Issuance of service certificate required. Contents of service certificate. Issued in triplicate.

SEC. 81-56.2. Bond. The bond required by this Act shall underwrite the guarantee of a refund or compensation, covering any claim by owner of scale or weighing device for damage or injury, which claim is sustained by the court, resulting in misrepresentation of service rendered, or failure to comply with all the provisions of this Act, by the scale mechanic, regardless of his or her intent; *provided, however,* that the aggregate liability of the surety to all claimants sustained by the court shall in no event exceed the amount of said bond. Liability of bond.

SEC. 81-56.3. Scale Removal. When a scale or weighing device is removed from the premises where located by a scale mechanic, the scale mechanic or his servant or agent shall issue a receipt for said scale or weighing device, on which shall be Scale removal.

Contents of receipts issued upon removal of scale.

written in ink or other indelible substance the name and address of the owner, the name and address of receiving agent, date of receipt, anticipated date of return, name or make of scale, and such other information pertinent to its identification. The form of receipt shall be approved by the State Superintendent of Weights and Measures.

Use of condemned scale, prohibited.

SEC. 81-56.4. Condemned Scale. It shall be unlawful for any owner of a scale or weighing device which has been condemned by a Weights and Measures Inspector to either use or dispose of same in any manner but shall hold same at the disposal of the State Superintendent of Weights and Measures, his Deputy, or Inspector; *provided, however,* said scale or weighing device may be removed from the premises for scale service only.

Approval of second hand scales prior to use or sale.

SEC. 81-56.5. Secondhand Scale. It shall be unlawful for any person to sell, or offer for sale, or put into use, a second-hand or rebuilt or reconditioned scale or weighing device unless said scale shall have been tested and approved by the Superintendent of Weights and Measures, or his Deputy, or Inspector, or shall be accompanied by a service certificate as provided for in this Act. Said service certificate shall be retained by the purchaser or user of said scale until an inspector of Weights and Measures has tested and approved such second-hand scale. The said certificate shall serve as proof of the accuracy of scale at the time scale was purchased or put into service. A second-hand or rebuilt or reconditioned scale or weighing device as referred to in this Section shall be considered as being a scale or weighing device in the channels of trade which does not belong to the previous user.

Scale location.

SEC. 81-56.6. Scale Location. It shall be unlawful for any scale or weighing device to be installed, set up, put into service, or used on a foundation or support that aids in giving false indication of weight values applied to platter, platform, or other load receiving element.

Exemptions from provisions of Act.

SEC. 81-57. Exemption. The provisions of this Act shall not prohibit the user of a scale or weighing device from employing some person other than a scale mechanic to render service as defined by this Act upon his or her scale or weighing device, nor apply to the person so employed, who does not solicit such employment, provided that said user shall not be relieved of his or her responsibility or liability concerning the accuracy of the scale or weighing device after service has been rendered.

Rules and regulations to carry out purpose of Act.

SEC. 81-57.1. Rules and Regulations. Such rules and regulations as are necessary to carry out the purpose and intent of this Act shall be made and published by the State Superin-

tendent of Weights and Measures, by and with the advice of his Advisory Board.

SEC. 81-58. Penalty. Any person who violates any of the provisions of this Act, or who for hire or award renders service as a scale mechanic on a scale or weighing device without registering as a scale mechanic, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than three months or by both fine and imprisonment upon conviction in any court of competent jurisdiction; and in addition, if the defendant be a scale mechanic, he or she shall forfeit any charges or remuneration for service rendered, if service be involved, and he or she and/or the bonding company shall, at the discretion of the court, reimburse or compensate the owner of the scale or weighing device in question for such damage, or injury, sustained; and upon a subsequent conviction in any court of competent jurisdiction, the penalty shall be the same as for first conviction and in addition, at the discretion of the court, if defendant be a scale mechanic, his or her privilege to act as or in the capacity of a scale mechanic may be revoked for a specified length of time, his or her registration card or certificate seized and turned over to the State Superintendent of Weights and Measures with instructions concerning reinstatement or renewal. Penalty for violation of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act, are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect on and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 439 **CHAPTER 381**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF BAYBORO, PAMLICO COUNTY, NORTH CAROLINA, TO LEVY AN ANNUAL AD VALOREM TAX OF FIFTY CENTS ON THE ONE HUNDRED DOLLAR VALUATION AND A POLL TAX OF ONE DOLLAR.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the Town of Bayboro, Pamlico County, North Carolina, is hereby authorized and empowered to levy and collect an annual ad valorem tax on all taxable property in the municipality at a rate not to exceed Levy of annual ad valorem tax, Town of Bayboro, authorized.

fifty cents (50c) on the one hundred dollar valuation for the purposes of raising revenue for defraying the expenses incident to the proper government of said town.

Levy of poll tax authorized.

SEC. 2. The governing body of said Town of Bayboro is authorized and empowered to levy a poll tax not exceeding one dollar ($1.00) on each taxable poll or male person between the ages of twenty-one and fifty years.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws, and in particular Section 3 Chapter 110 of the Private Laws of 1903, in conflict with the provisions of this Act are repealed to the extent of such conflict.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 472 CHAPTER 382

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND THE LEVY OF TAXES WITHING SUCH DISTRICTS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Petition for public hearing on creation of school district, Sampson County.

SECTION 1. Upon receipt of a petition, signed by not less than ten per centum (10%) of the qualified voters of the territory described in such petition, praying that such territory be created into a school district and that bonds be issued under the provisions of this Act, the county board of education of the county in which such territory is located shall cause notice to be given by posting at the courthouse door and at three public places in such territory and by three weekly publications in a newspaper circulating in such territory, that on a date to be named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing upon the question of creating a school district comprising the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard. At the time and place stated in such notice, the board shall hear all

Notice of hearing.

Hearing.

interested persons and may adjourn the hearing from time to time.

SEC. 2. Such hearing shall be advisory only to the county board of education and the board may deny such petition, or it may grant such petition and enter an order creating a school district, comprising either the territory described in such petition or a part of such territory and additional territory, and the order of the board creating such school district shall define the boundaries thereof: *Provided, however,* that all the territory embraced in a new school district shall be located in one county. Each school district so created shall be designated by the board as the "———— School District of ———— County," inserting in the blank spaces some name identifying the locality and the name of the county.

Hearing to be advisory only, to final determination by County Board of Education.

Designation of districts.

SEC. 3. Whenever the county board of education shall so petition, the board of county commissioners shall order a special election to be held in any such school district for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district, or for any one or more or said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district, unless the district is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Satur-

Special election on order of county commissioners.

Conduct of election.

Notice of election.

Contents of notice.

New registration.

Notice of registration.

Contents of notice of registration.

Challenge day.

day before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot, shall be substantially the words: "For the issuance of $————————School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $————————School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (x) mark.

Issues submitted.

Ballots.

Returns determined and declared.

SEC. 4. At the close of the polls the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the school district is situated. The election officers shall incorporate in the returns not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election and the board of county commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. The board of county commissioners shall prepare a statement showing the number of votes cast for and against the bonds, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district.

Contents of returns.

Statement of results by county commissioners.

Publication of statement.

Time limit on actions to contest validity.

SEC. 5. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted, nor shall the validity of such election or the validity of the creation of such district, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty

days after the publication of such statement of results as provided in the preceding Section.

Issuance of bonds authorized in event of majority vote therefor.

SEC. 6. If a majority of the qualified voters of such district shall vote in favor of the issuance of such bonds and the levy of such tax, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such district, except the board of county commissioners may pay from county funds any part of the principal and interest of said bonds. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of county commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments of series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per centum (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed upon each bond and attested by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Payment of bonds.

Form, denomination and provisions of bonds.

Interest rate.

Registration.

Execution of bonds.

Special tax levy authorized.

SEC. 7. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district in which the election was held, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Collection and application.

Limitation on amount of bonds issued.

SEC. 8. No bonds shall be issued on behalf of a school district under this Act which, including indebtedness for schools thereof then outstanding, and a proportionate part of the indebtedness of the county for school purposes, including indebtedness for school purposes assumed by the county, shall exceed ten per centum (10%) of the assessed valuation of taxable property in such district. A proportionate part of the school indebtedness of the county for the purpose of this Section shall be that proportion of such indebtedness which the valuation of taxable property of the school district bears to the total valuation of the taxable property of the county.

Powers conferred declared supplemental.

SEC. 9. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

Act constitutes authority for powers authorized.

SEC. 10. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the county board of education, unless the school district is coterminous with a city administrative unit in which event the proceeds shall be paid out only upon order of the board of trustees of such administrative unit.

Application of Local Government Act.

Petition for issuance of additional bonds on behalf of school district.

SEC. 11. If, after any school district shall have been created as authorized by this Act, a petition signed by not less than ten per centum (10%) of the qualified voters of such school district, shall be presented to the county board of education of the county in which such school district is located representing that the issuance of additional bonds on behalf of such school district is necessary for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such districts, or for any one or more of said purposes, the county board of education may petition the board of county commissioners to order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds for the purpose or purposes set forth in such petition to the county board of education and levying a sufficient tax for the payment thereof. The other provisions of this Act relating to the calling and holding of an election, giving of notice, and making, canvassing and certify-

Special election on issuance of additional bonds.

Regulations governing special election.

ing the returns of such election, and relating to the statement of the results of the election, and to the issuing of bonds, and levying taxes to pay the principal thereof and the interest thereon, shall be followed and shall apply to the issuance of such bonds as nearly as the same can be made adaptable and applicable thereto.

Application of Act.

SEC. 12. This Act shall apply only to Sampson County.

Conflicting laws repealed.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 109 CHAPTER 383

AN ACT TO AMEND CHAPTER 14 AND CHAPTER 51 OF THE GENERAL STATUTES TO FIX THE MINIMUM AGE AT WHICH MALES AND FEMALES MAY MARRY.

The General Assembly of North Carolina do enact:

G. S., 14-319, amended, as to minimum marriage age of females.

SECTION 1. G. S. 14-319 is hereby amended by striking out the word "fourteen" in line two and substituting therefor the word "sixteen".

G. S., 51-2, rewritten.

SEC. 2. G. S. 51-2 is hereby amended by striking out said Section and substituting in lieu thereof the following:

Capacity of individuals to marry.

G. S. 51-2. Capacity to marry. All unmarried persons of eighteen years, or upwards, of age, may lawfully marry, except as hereinafter forbidden: *Provided,* that persons over sixteen years of age and under eighteen years of age may marry under a special license to be issued by the register of deeds, which said special license shall only be issued after there shall have been filed with the register of deeds a written consent to such marriage, signed by one of the parents of any such person or signed by the person standing in loco parentis to such male or female, and the fact of the filing of such written consent shall be set out in said special license: *Provided,* that when the special license is procured by fraud and misrepresentation, the parent or person standing in loco parentis of the male or female shall be a proper party plaintiff in an action to annul said marriage. When an unmarried female between the ages

Special licenses.

Prerequisite to issuance of special license.

Fraud in procurement of special license.

Special license in cases of pregnancy or child birth.

of twelve and sixteen is pregnant or has given birth to a child and such unmarried female and the putative father of her child, either born or unborn, shall agree to marry and consent in writing to such marriage is given by one of the parents of the female, or by that person standing in loco parentis to such female, or by the guardian of the person of such female, or by the superintendent of public welfare of the county of residence of either party, such written consent shall be sufficient authorization for the register of deeds to issue a special license to marry.

Filing of copy of marriage certificate by resident couple married in another state required.

All couples resident of the State of North Carolina who marry in another state must file a copy of their marriage certificate in the office of the register of deeds of the home county of the groom within thirty days from the date of their return to the state, as residents, which certificate shall be indexed on the marriage license record of the office of the register of deeds and filed with marriage license in his office; the fee for the filing and indexing said certificate shall be fifty cents: *Provided*, the failure to file said certificate shall not invalidate the marriage.

G. S., 51-3 amended to declare void marriage of female under 16 years.

SEC. 3. G. S. 51-3 is hereby amended by striking out the word "fourteen" in line eleven thereof and inserting in lieu thereof the word "sixteen".

G. S., 14-26, and G. S., 14-27, unaffected.

SEC. 4. The provisions of this Act shall in no wise affect G. S. 14-26 and G. S. 14-27.

Effective date.

SEC. 5. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 192 CHAPTER 384

AN ACT TO ENABLE THE NORTH CAROLINA DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO RENDER SCIENTIFIC FORESTRY SERVICES FOR A FEE TO OWNERS AND OPERATORS OF FOREST LAND AND TO RENDER FORESTRY ADVICE FREE OF CHARGE.

The General Assembly of North Carolina do enact:

Dept. of Conservation and Development authorized to render scientific forestry services.

SECTION 1. The North Carolina Department of Conservation and Development is hereby authorized to designate, upon request, forest trees of forest land owners and forest operators

for sale or removal, by blazing or otherwise, and to measure or estimate the volume of same under the terms and conditions hereinafter provided.

Services under direction of State Forester.

SEC. 2. The administration of the provisions of this Act shall be under the direction of the State Forester. The State Forester, or his authorized agent, upon receipt of a request from a forest land owner or operator for technical forestry assistance or service, may designate forest trees for removal for lumber, veneer, poles, piling, pulpwood, cordwood, ties, or other forest products, by blazing, spotting with paint or otherwise designating in an approved manner; he may measure or estimate the commercial volume contained in the trees designated; he may furnish the land owner or operator with a statement of the volume of the trees so designated and estimated; he may assist in finding a suitable market for the products so designated, and he may offer general forestry advice concerning the management of the forest.

Compensation of Forester for services.

For such designating, measuring or estimating services the State Forester may make a charge, on behalf of the Department of Conservation and Development, in an amount not to exceed five per cent (5%) of the sale price or fair market value of the stumpage so designated and measured or estimated. Upon receipt from the State Forester of a statement of such charges, the land owner or operator or his agent shall make payment to the State Forester within thirty days.

Service without charge in certain instances.

In those cases where the State Forester deems it desirable to so designate and measure or estimate trees without charge, such services shall be given for the purpose of encouraging the use of approved scientific forestry principles on the private or other forest lands within the State, and to establish practical demonstrations of said principles.

Deposit of receipts with State Treasury.

SEC. 3. All monies paid to the State Forester for services rendered under the provisions of this Act shall be deposited into the State Treasury to the credit of the Department of Conservation and Development.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 230 **CHAPTER 385**

AN ACT TO AMEND SECTION 70, CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

G. S., 7-70, amended.

SECTION 1. That Section 70 of Chapter 7 of the General Statutes of North Carolina relating to terms of court be, and the same is hereby amended by striking out all of the paragraph relating to the courts of Lee County under the division of Fourth District, and inserting in lieu thereof, the following:

Terms of Superior Court, Lee County.

LEE—Fifth Monday before the first Monday in March, to continue for two weeks, the first week for the trial of civil cases, the second week for the trial of criminal and civil cases, *provided that*, for this term, the Governor shall assign a judge to hold the same from among the regular, special or emergency judges; third Monday after the first Monday in March to continue for two weeks, the first week for the trial of criminal cases, and the second week for the trial of civil cases; fifteenth Monday after the first Monday in March, to continue for one week for the trial of civil cases, provided that for said term, the Governor shall assign a judge to hold the same from among the regular, special or emergency judges; seventh Monday before the first Monday in September, to continue for two weeks, the first week for the trial of criminal cases and the second week for the trial of civil cases; first Monday after the first Monday in September, to continue for two weeks for the trial of civil cases, provided that for the second week of said term, the Governor shall assign a judge to hold the same from among the regular, special or emergency judges; eighth Monday after the first Monday in September for one week for the trial of criminal cases; fourteenth Monday after the first Monday in September for one week for the trial of civil cases, provided that for said term, the Governor shall assign a judge to hold the same from among the regular, special or emergency judges.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 295 **CHAPTER 386**

AN ACT TO AMEND CHAPTER 39 OF THE PRIVATE LAWS OF 1907 SO AS TO INCREASE THE CORPORATE LIMITS OF THE TOWN OF NEWTON, IN THE COUNTY OF CATAWBA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2, Chapter 39 of the Private Laws of Session 1907, fixing the corporate limits of the Town of Newton, in the County of Catawba, be amended by enlarging and adding to the present corporate limits of said Town of Newton the following territory, with the following boundaries, to-wit:

Ch. 39, Private Laws, 1907, amended.

Corporate limits, Town of Newton, extended.

Beginning at point, Polly Benfield's corner, and runs thence due West 840 feet to an iron stake in the rear of the Roy Hedrick homeplace; thence N. 17° 30′ W. 385 feet to an iron stake in the Elmore Herman Lands field; thence S. 86° 20′ W. 1150 feet to an iron stake on the west side of No. 10 State Highway; said point being just north from the intersection of E. 22nd Street with said State Highway No. 10; thence S. 40° 15′ W. 3660 feet to an iron stake in the J. A. Gaither field, and what is known as the CCC camp field, and also being a corner of the old original boundary line of the town; thence with said old boundary line due West 1500 feet to an iron stake, an old boundary corner, near the edge of the Reitzel bottoms, now owned by Caleb Setzer; thence leaving the old boundary and running a new course N. 12° 20′ E. 2100 feet more or less to a proposed corner with the Town of Conover, N. C., thence with the proposed boundary line with the Town of Conover, N. 62° 45′ E. 6435 feet to a point at the rear of Lenoir Chair Company; thence due South 2567 feet to the point of beginning.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 337 **CHAPTER 387**

AN ACT TO AMEND SECTION 115-140 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE PHYSICAL EXAMINATION OF SCHOOL EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 115-140 of the General Statutes of North Carolina is hereby repealed and rewritten to read as follows:

G. S., 115-140, rewritten.

Health certificate required of teachers and other school personnel.

115-140. Health certificate required for teachers and other school personnel. Any person serving as county superintendent, city superintendent, principal, teacher, or any other employee in the public schools of the State, shall file in the office of the county or city superintendent each year, before assuming his or her duties, a certificate from the county physician, health officer, or other reputable physician, certifying that the said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his or her duties.

Form of certificate.

The examining physician shall make the aforesaid certificate on an examination form supplied by the State Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been made at the time of the certification, and such examination shall be in accordance with rules and regulations adopted by the State Superintendent of Public Instruction, with the approval of the State Health Officer, and such rules and regulations may include the requirement of an X-ray chest examination.

Regulations for examination.

Violations made misdemeanor.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and subject to a fine or imprisonment in the discretion of the court.

Enforcement of Act.

It shall be the duty of the county or city superintendent of the school in which the person is employed to enforce the provisions of this Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 342 CHAPTER 388

AN ACT TO AMEND SECTIONS 115-310 AND 115-311 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMPULSORY SCHOOL ATTENDANCE OF DEAF AND BLIND CHILDREN.

The General Assembly of North Carolina do enact:

G. S., 115-310, relating to compulsory school age of deaf children, amended.

SECTION 1. Section 115-310 of the General Statutes is amended by striking out the word "seven" in line 2 and inserting in lieu thereof the word "six."

SEC. 2. Section 115-311 of the General Statutes is amended by striking out the word "seven" in line 2 and inserting in lieu thereof the word "six." G. S., 115-311, relating to compulsory school age of blind children, amended.

SEC. 3. All laws and clauses of laws in Conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 350 **CHAPTER 389**

AN ACT TO AMEND CHAPTER 779 OF THE SESSION LAWS OF 1943 RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE AND TO VALIDATE THE QUALIFYING OF SUCH JUSTICES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 779 of the Session Laws of 1943 be amended by changing the colon to a period in line 6 and repealing all of lines 6, 7, 8, and 9 after the colon. Ch. 779, Session Laws, 1943, amended.

SEC. 2. That the qualifying of those justices of the peace subsequent to the time required in Section 1 of Chapter 779 of the Session Laws of 1943 is validated to the same extent as if they had qualified within the time therein prescribed; and that all of the acts and deeds of such justices of the peace are hereby validated and ratified the same as if said justices of the peace had qualified within the time prescribed in the pertinent Section. Provided nothing herein contained shall affect any pending litigation. Qualifying Justices of Peace subsequent to time limit in 1943 Act validated. Acts and deeds validated. Pending litigation unaffected.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 408 CHAPTER 390

AN ACT TO AMEND SECTION 60-83 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE GOVERNOR TO APPOINT AND COMMISSION SPECIAL POLICE FOR RAILWAY EXPRESS AGENCIES.

The General Assembly of North Carolina do enact:

G. S., 60-83, amended to authorize appointment of special police for railway express agencies.

SECTION 1. Section 60-83 of the General Statutes is amended by inserting between the word "carrier" and the word "may" in line 5 "railway express agencies."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 355 CHAPTER 391

AN ACT TO AMEND CHAPTER 1046 OF THE SESSION LAWS OF 1945, NOW DESIGNATED AS GENERAL STATUTES 51-8.1, RELATING TO HASTY MARRIAGES, BY REMOVING PASQUOTANK FROM THE LIST OF COUNTIES AFFECTED THEREBY.

The General Assembly of North Carolina do enact:

Ch. 1046, Session Laws, 1945, relating to hasty marriages, amended to exempt Martin, Pasquotank, Gates and Perquimans Counties.

SECTION 1. Chapter 1046 of the Session Laws of 1945, designated as General Statutes 51-8.1 in the 1945 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words "Martin, Pasquotank, Gates and Perquimans" in lines two and three of Section 3 of said Chapter 1046 of the Session Laws of 1945.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 453 **CHAPTER 392**

AN ACT APPLICABLE ONLY TO THE CITY OF GREENSBORO AMENDING SECTION 160-200, SUBSECTION 31 OF THE GENERAL STATUTES RELATING TO THE USE OF PROCEEDS FROM PARKING METERS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-200, Subsection 31 of the General Statutes, insofar as the same applies to the City of Greensboro in Guilford County, and the City of Winston-Salem in Forsyth County is hereby amended by changing the semicolon appearing after the word "towns" in line 23 to a comma, and adding before the word "provided" in said line 23, the following: G. S., 160-200 Subsection 31, amended as to use of proceeds from parking meters, City of Greensboro and City of Winston-Salem.

and for the further purpose of providing buildings, spaces and lots for the parking of motor vehicles otherwise than on the public streets, and for the expenses incurred in the regulation of such off-street parking.

SEC. 2. This Act is applicable only to the City of Greensboro, and to the City of Winston-Salem. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 521 CHAPTER 393

AN ACT TO AMEND SECTION 50-9 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EFFECT OF ANSWER OF SUMMONS BY DEFENDANTS IN DIVORCE PROCEEDINGS.

The General Assembly of North Carolina do enact:

G. S., 50-9, amended.

SECTION 1. That Section 50-9 of the General Statutes of North Carolina relating to the effect of answer of summons by defendants in divorce proceedings be, and the same is hereby, amended to read as follows:

Effect of answer of summons by defendants in divorce proceedings.

In all cases upon an action for a divorce absolute, where judgment of divorce has heretofore been granted and where the plaintiff has caused to be served upon the defendant in person a legal summons, whether by verified complaint or unverified complaint, and such defendant answered such summons, and where the trial of said action was duly and legally had in all other respects and judgments rendered by a Judge of the Superior Court upon issues answered by a judge and jury, in accordance with law, such judgments are hereby declared to have the same force and effect as any judgment upon an action for divorce otherwise had legally and regularly.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 534 CHAPTER 394

AN ACT APPROVING THE ACTION OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA, OFFERING TO ACCEPT AND ACCEPTING THE CHARITABLE TRUST CREATED BY THE WILL OF WILLIAM HAYES ACKLAND.

The General Assembly of North Carolina do enact:

Acceptance by University of North Carolina of Charitable trust under will of William Hayes Ackland, approved.

SECTION 1. That the action of the Board of Trustees of the University of North Carolina, in heretofore adopting a resolution offering to accept the designation of the campus of the University of North Carolina as the location of the William Hayes Ackland Memorial Art Museum, provided for in the last Will and Testament of William Hayes Ackland, of Washington,

D. C., and to administer and carry into effect the educational and charitable trust provisions of the Will of William Hayes Ackland with regard thereto in all respects in accordance with the terms and purposes thereof, is hereby ratified and approved; and the Trustees of the University of North Carolina are hereby fully authorized and empowered to accept said trust and carry the same into effect, in the event the campus of the University of North Carolina at Chapel Hill is designated for said purpose.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 567 **CHAPTER 395**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS AND THE BOARD OF ELECTIONS OF ANSON COUNTY TO HOLD A SPECIAL ELECTION TO DETERMINE WHETHER BONDS SHALL BE ISSUED FOR THE ERECTION OF A WORLD WAR MEMORIAL, AND THE APPOINTMENT OF A COMMISSION TO SUPERVISE SAME.

The General Assembly of North Carolina do enact:

Special bond election for World War Memorial, Anson County, authorized.

SECTION 1. That the Board of Commissioners of Anson County is hereby authorized and empowered in its discretion to call upon the Board of Elections of Anson County to call a special election to determine whether bonds shall be issued for the erection of a memorial to the men and women of Anson County who served in World War I or World War II.

Issuance of bonds in event of majority vote therefor.

SEC. 2. That if a majority of the qualified voters of Anson County vote in favor of issuing bonds for the erection of a memorial, the Commissioners of Anson County are hereby authorized and empowered to issue bonds of Anson County in an amount not in excess of two hundred thousand dollars ($200,000.00) for said purpose.

County Commissioners authorized to provide for erection of memorial.

SEC. 3. That if a majority of the qualified voters of Anson County vote in favor of the bond issue heretofore referred to, the Commissioners of Anson County are hereby authorized to erect any building or buildings or to make any addition or additions to any existing building or buildings and to equip same as they may deem proper, necessary and advisable; purchase lands upon which to erect a building or buildings, and provide other and additional facilities in their discretion for said memorial; sell lands now owned by the county and use the proceeds therefrom for said construction and equipment purposes as a memorial to the men and women of Anson County who have served or are serving in the Armed Forces of the United States during or since World War I and/or World War II.

Form of ballot for special election.

SEC. 4. That the electors favoring the issuance of bonds for the erection of a memorial shall vote a ballot on which shall be written or printed the words "For the issuance of bonds in an amount not in excess of two hundred thousand dollars ($200,000.00) for the erection of a War Memorial," and those opposed shall vote a ballot on which shall be printed or written the words "Against the issuance of bonds in an amount not in excess of two hundred thousand dollars ($200,000.00) for the erection of a War Memorial."

Conduct of election.

SEC. 5. That the election herein authorized to be held shall be conducted under the general laws regulating the conduct of county elections.

Appointment of Anson County World War Memorial Commission.

SEC. 6. That if said election carries the Board of Commissioners of Anson County is hereby authorized and empowered to appoint a committee to be known as the "Anson County World War Memorial Commission", composed of five (5) members, to have general control, management and authority of and over such memorial or memorials as may be established hereunder, together with all buildings, equipment, applicances and other properties real and/or presonal, and appurtenances thereto, and used in connection therewith. The five (5) members of said commission shall be appointed for terms of two (2) years each from the date of their appointment, and be selected as follows:

Terms of Members.

Selection of Members.

Two (2) shall be residents of Wadesboro Township,

One (1) shall be a resident of Ansonville or Lilesville Townships,

One (1) shall be a resident of Morven or Gulledge Townships, and

One (1) shall be a resident of Burnsville, Lanesboro or White Store Townships.

Vacancy appointments.

SEC. 7. All vacancies occurring on said commission, either by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Commissioners of Anson County.

Limitation on powers of Commission.

SEC. 8. The aforesaid commission shall have no power or authority to mortgage, encumber or convey in any manner the properties under its supervision, nor any power to contract any debt or incur any obligations except upon express authority by resolution of the Board of Commissioners of Anson County.

Powers of Commission.

Said commission shall have the authority to control, manage, operate and superintend such memorial or memorials as may be established hereunder, and may formulate rules and regulations for the use, preservation and maintenance of the same, including the adoption of by-laws fixing the time and place of regular meetings of their body and the manner of calling special meetings and manner and method of governing and controlling the memorial or memorials to be established, and may formulate and adopt such rules and regulations as may be proper and reasonable relating to the acceptance of gifts and donations to any memorial or memorials established hereunder.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 574 **CHAPTER 396**

AN ACT PROVIDING FOR THE LEVY, COLLECTION AND DISTRIBUTION OF TAXES IN GUILFORD COUNTY FOR THE RETIRING OF CAPITAL OUTLAY INDEBTEDNESS INCURRED IN THE ERECTION OF SCHOOL HOUSES.

Preamble:

Transfer of certain area of School District of Guilford County to Greensboro City Administrative Unit.

WHEREAS, by an election duly called and held on the 25th day of September, 1945, a portion of the area then included within the boundaries of the School District of Guilford County supervised by the County Board of Education of Guilford County has been transferred and annexed to the boundaries of Greensboro City Administrative Unit; and the public school students residing in said annexed area are entitled to be enrolled and for the most part have been en-

rolled in the public schools of said Greensboro City Administrative Unit; and

Existence of debts for capital outlay for benefit of rural schools.

WHEREAS, there were in existence at the time of the transfer of boundary aforesaid several debts for capital outlay, incurred prior to the year 1937, for the exclusive benefit of the public schools of rural Guilford County, evidenced for the most part by bond issues; and

Law not clear relating to payment of debts when transfer has been made.

WHEREAS, the statute law in North Carolina relating to the repayment of debts incurred before the year 1937 for capital outlay for the exclusive use of one administrative unit, when a transfer of pupils and territory has been made from said administrative unit to another in the same county is not very clear; and

Tax levy and appropriation for payment of debt made upon basis of school enrollment.

WHEREAS, the Board of County Commissioners of Guilford County levied taxes and made appropriations for the payment of debt service for the debts aforesaid for the school year 1946-1947 upon the basis of the school enrollment of the school year 1945-1946 of the three school units in Guilford County; to-wit, Guilford County Rural Schools, 13,672 pupils; Greensboro City Administrative Unit, 9,369 pupils; and High Point City Administrative Unit, 7,614 pupils; and

Basis appears to be equitable.

WHEREAS, said basis appears to be equitable and just, and in accordance with law; and

Outstanding debts by Guilford County Board of Education.

WHEREAS, the outstanding debts by the County Board of Education of Guilford County, incurred prior to 1937 for the exclusive use of the schools of Guilford County are as follows:

DATE OF ISSUE	PURPOSE AND NATURE	ORIGINAL AMOUNT
1919	Whitsett School Bonds	$ 10,000.00
1923	General School Building Bonds	500,000.00
1928	General School Building Bonds	500,000.00
1931	Refunding School Bonds	35,000.00
1934	School Building Bonds issued in connection with WPA projects	232,000.00
1928	State special building funds	50,000.00

County tax levy for liquidation of bonds of Greensboro school district, desirable.

AND WHEREAS, Guilford County has been collecting the supplementary tax within the boundaries of the Greensboro City Administrative Unit sometime known as Greater Greensboro School District for many years; and it would simplify tax collection if said county should levy and collect the tax

necessary to liquidate the bonds formerly issued by said Greensboro School District and now the debt of said Greensboro City Administrative Unit: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. The acts of the Board of County Commissioners of Guilford County relating to the appropriation for debt service in the preamble to this Act referred to and the levy of tax therefor, are in all respects approved and confirmed.

Appropriation for debt service and tax levy therefor approved.

SEC. 2. For the fiscal year 1947-1948 and for each fiscal year threafter until said debts have been fully paid the County Commissioners of Guilford shall appropriate such sums of money and levy the necessary ad valorem taxes or otherwise provide the necessary funds to pay the annual amounts required by the instruments creating such debts; said county commissioners shall provide in addition thereto by taxation or otherwise 68.53% of said sum for the use and benefit of the debt service of Greensboro City Administrative Unit and 55.69% of said sum for the use and benefit of the debt service of High Point City Administrative Unit; *provided* that the payments in any fiscal year to the Greensboro City Administrative Unit, or the High Point City Administrative Unit shall not exceed the sum needed by said units to discharge their debt service obligation including sinking fund requirements falling due during said fiscal year.

Annual appropriations and tax levies authorized until debts are fully paid.

Apportionment.

SEC. 3. All other debts for capital outlay shall be deemed incurred for the benefit of the entire county, and shall be paid without paying an additional sum for the benefit of the public schools of Greensboro City Administrative Unit, or High Point City Administrative Unit.

Other debts deemed incurred for benefit of entire county.

SEC. 4. The County Commissioners of Guilford County, after taking into consideration the per capita allotment hereinbefore authorized and directed for Greensboro City Administrative Unit shall levy a sufficient tax on the real and personal property having a taxable situs within the boundaries of the said Greensboro City Administrative Unit to pay the principal and interest of the bonds of said district referred to in the preamble to this Act; and said county commissioners shall cause said taxes to be collected as the county taxes of Guilford County are collected.

Levy of tax within Greensboro City Administrative Unit authorized.

SEC. 5. This Act shall apply to Guilford County only.

Application of Act.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 589 CHAPTER 397

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO ISSUE BONDS FOR THE CONSTRUCTION OF AN ATHLETIC STADIUM AND TO PROVIDE FOR THE SUBMISSION OF THE ISSUANCE OF SAID BONDS TO THE QUALIFIED VOTERS IN SAID CITY.

The General Assembly of North Carolina do enact:

Erection of athletic stadium, City of Kinston, authorized, upon approval by voters.

SECTION 1. That the City of Kinston, in the County of Lenior, be and it is hereby authorized and empowered to erect and maintain, upon lands owned by it and forming a part of its system of public parks, an athletic stadium, with suitable grounds therefor, such stadium to be laid out, built and constructed of such materials and according to such plans and specifications as may be approved and adopted by the City Council of the City of Kinston: *Provided, however,* that such plans and specifications shall be prepared by an architect duly licensed under the laws of this State, and shall comply with all applicable building laws and regulations of this State and of the City of Kinston. Such athletic stadium, when constructed, shall be maintained and used in accordance with rules and regulations to be made and promulgated by the said city council, which shall have full power and authority to lease said athletic grounds and stadium to or permit the use thereof by other persons or organizations when not required in connection with the athletic activities of the city's public park system. The matter of compensation for such use by other persons or organizations shall be in the discretion of said city council.

Plans and specifications of stadium.

Regulations for use of stadium.

Limitation on cost of construction.

SEC. 2. That the total cost of construction of the athletic stadium herein provided for shall not exceed the sum of one hundred fifty thousand dollars ($150,000.00). The specifications for the contract or contracts for the construction of the said athletic stadium and the procedure for the letting of contracts in respect thereto shall be in accordance with the provisions of Article 8 of Chapter 143 of the General Statutes of North Carolina.

Bond issue to provide construction funds authorized.

SEC. 3. That in order to provide funds for the construction of said athletic stadium the said City of Kinston shall be and is hereby authorized and empowered to issue the

bonds of the said city in the principal amount of not to exceed one hundred fifty thousand dollars ($150,000.00). Said bonds shall be serial bonds and shall have such maturities as may be fixed by the City Council of the City of Kinston and approved by the Local Government Commission of North Carolina under the provisions of Section 160-382 of the General Statutes of North Carolina. Said bonds shall be in such form as may be fixed and approved by said city council, and shall bear such rate or rates of interest, but not to exceed six per centum per annum, as may be fixed by the lowest bidder therefor, to be payable semi-annually, and shall be sold by the Local Government Commission of North Carolina for the account of said City of Kinston in the manner provided by law for the sale of the bonds of governmental units. The interest on said bonds shall be evidenced by interest coupons attached to each respective bond, which said coupons shall bear a facsimile signature of the City Clerk-Treasurer of the City of Kinston. Provision may be made in said bonds for their registration as to principal only.

Bonds shall be serial bonds.

Form and interest rate.

Sale under supervision of Local Government Commission.

Interest coupons.

SEC. 4. That an annual tax on all taxable property in the corporate limits of the City of Kinston shall be levied and collected for the purpose of paying the principal of and interest on said bonds, not otherwise provided for, as the same shall mature and accrue: *Provided, however,* that the net proceeds which may be received by the City of Kinston from persons or organizations using the said stadium and grounds under lease from said city shall be set aside and exclusively applied, so long as any of said bonds shall be outstanding, to the payment of the principal of and interest on said bonds.

Tax levy authorized.

Application of net proceeds derived from use of stadium to payment of bonds.

SEC. 5. That this Act not become effective until ratified and approved by a majority of the qualified voters of the City of Kinston at a special election to be called by the city council of said city and to be held upon a date to be fixed by said city council, but not later than two years from the date of the ratification of this Act, under rules and regulations as follows:

Act effective, upon approval of majority of voters of City of Kinston.

Special election authorized.

(a) For the purposes of said election the territory within the corporate limits of the city shall be divided into two precincts; all territory within the city limits which lies on the east side of Queen Street shall be known as Precinct Number One and all territory which lies on the west side of said street shall be known as Precinct Number Two. The polling place in each precinct shall be fixed by the said city council. In the call for said election the said city council shall order a new registration of the voters in the City of Kinston for such election. The books for such new registration shall

Corporate limits of City divided into two precincts.

New registration ordered.

remain open in each precinct from nine A. M. to six P. M. on each day, except Sundays and holidays, for three weeks, beginning on a Monday morning and ending on the second Saturday evening before the election. A registrar and two judges of election shall be appointed by the said city council for each precinct: *Provided,* that the books shall be open at the polling places on each Saturday during the registration period.

Election officials.

Notice of registration.

(b) Sufficient notice shall be deemed to have been given of such new registration and of the appointment of the election officers if a notice thereof be published at least thirty days before the closing of the registration books, stating the hours and days for registration. In case any registrar shall fail or refuse for any cause to perform his duties, it shall be lawful for the Mayor of the City of Kinston to appoint another person to perform such duties, and no notice of such appointment shall be necessary.

Vacancy appointments of registrars.

Notice of election.

(c) A notice of the election shall be deemed sufficiently published if published once not later than thirty days before the election. Such notice shall state the maximum amount of the proposed bonds and the purpose thereof, and the fact that a tax will be levied for the payment thereof. The date of the election shall be stated threin.

Form of ballot.

(d) A ballot shall be furnished to each qualified voter at said election, which ballot shall contain the words "For the Act authorizing not to exceed $150,000.00 bonds for an athletic stadium and a tax therefor," and "Against the Act authorizing not to exceed $150,000.00 bonds for an athletic stadium and a tax therefor," with ballot squares in front of each alternative, in one of which squares the voter may make an (x) mark to indicate whether for or against the proposition submitted.

Returns.

(e) The officers appointed to hold the election shall make their returns thereof to the City Council of the City of Kinston, incorporating therein not only the number of votes cast for and against the proposal submitted, but also the number of voters registered and qualified to vote in the election. The said city council shall canvass the returns, and shall include in their canvass the votes cast and the number of voters registered and qualified to vote in the election, and shall judicially determine and declare the result of the election.

Canvass of returns.

Results declared.

Regulations governing registration and election.

(f) Except as herein otherwise provided, the registration and election shall be in accordance with the laws then governing elections for municipal officers in the City of Kinston, and governing the registration of the electors for the election of municipal officers.

(g) The said city council shall prepare a statement showing the number of votes cast for and against the proposal submitted, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by the mayor and at least a majority of the aldermen of said city, and delivered to the City Clerk of the City of Kinston to be filed by him and also recorded in the permanent records in his office. The said city clerk shall also cause a copy of said statement to be published one time in a newspaper of general circulation published in the City of Kinston.

Preparation of statement declaring results of election.

Statement recorded and published.

(h) No right of action or defense founded upon the validity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement.

Time limitation for contesting validity of election.

(i) If the proposal submitted at said election shall be approved by a majority of the qualified voters, then the time within which said bonds may be issued, the amount and nature thereof, the medium and place of payment, the form thereof, provisions for registration and transfer, the application of funds derived therefrom, the incontestability thereof after delivery, and the levy of taxes for the payment thereof, except as herein otherwise provided, shall as nearly as may be governed by the provisions of Sections 160-389 to 160-397, both inclusive, of the General Statutes of North Carolina.

Issuance of bonds in event of majority vote therefor.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

H. B. 595 **CHAPTER 398**

AN ACT AUTHORIZING THE LEVY OF A TAX AND THE ISSUANCE OF BONDS FOR PLAYGROUNDS, PARKS, AND RECREATION PURPOSES BY THE CITY OF REIDSVILLE UPON VOTE OF THE QUALIFIED VOTERS OF THE CITY AND FOR A PUBLIC LIBRARY OR LIBRARIES.

Preamble:

WHEREAS, at a meeting of the Council of the City of Reidsville, held on February 4th, 1947, the enactment of the legislation herein presented was requested: *Now, therefore,*

Request of Council of City of Reidsville for legislation herein.

The General Assembly of North Carolina do enact:

Special election upon question of tax levy for park and recreational purposes, City of Reidsville.

SECTION 1. The City Council of the City of Reidsville may, by a majority vote of its members, order a special election to be held as now provided by law for special elections for municipal corporations to determine the will of the people of the City of Reidsville as to whether the governing body of said city shall levy annually an ad valorem tax of not less than three cents (3c) and not more than ten cents (10c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the City of Reidsville for the establishment, maintenance, and conduct of parks, playgrounds, recreation centers, and other recreational activities including supervised recreational programs.

New registration.

SEC. 2. In the event the city council orders a special election under the preceding Section it shall also order a new registration of the voters for said election. Each of said voters shall be supplied by the election officials with a ballot on which the form of the question shall be stated substantially as follows: "For the playground and recreation tax" and "Against the playground and recreation tax" which alternates shall appear separate from each other on one ballot containing, opposite and to the left of each alternate, squares of appropriate size in one of which squares the voter may make a mark "X" to designate his choice for or against such tax.

Issues submitted.

Tax levy authorized in event of majority vote therefor.

SEC. 3. If a majority of the qualified voters in such election vote "For the playground and recreation tax" then the governing body of the city shall thereafter levy annually an ad valorem tax of not less than three cents (3c) and not more than ten cents (10c) on each one hundred dollars ($100.00) of the assessed valuation of the real and personal property taxable in the City of Reidsville for park, playground, and/or recreational purposes.

Issuance of municipal bonds for recreational purposes authorized.

SEC. 4. The City Council of the City of Reidsville may, pursuant to law, provide that the bonds of said municipality may be issued in the manner provided by the Municipal Finance Act for the issuance of bonds for other purposes, for the purpose of acquiring lands or buildings and/or erecting buildings for playgrounds, parks, recreation centers, or other recreational purposes and for the equipment thereof.

Bond ordinance subject to approval of voters at special election.

SEC. 5. In the event the City Council of the City of Reidsville passes an ordinance authorizing bonds under the preceding Section said bond ordinance shall be approved by the qualified voters of said municipality as required by the constitution of the State of North Carolina. The city council

may submit said bond ordinance to the people at a special election to be held as now provided by law for special elections for municipal corporations. In the event the city council orders a special bond election under this Section it shall also order a new registration of the voters for said election. However, the bond ordinance may, in the discretion of the city council, be submitted to the people at the same election and under the same registration authorized by Sections 1 and 2 herein.

Bond ordinance may be submitted at election authorized in Sections 1 and 2 hereof.

SEC. 6. The powers granted to the City of Reidsville herein are in addition to those contained in Article 12 of Chapter 160 of the General Statutes of North Carolina. Under the terms of this Act, however, the City Council of the City of Reidsville shall likewise have all the powers and authority granted to municipalities by said Article.

Powers herein granted declared additional.

SEC. 7. The City Council of the City of Reidsville may, pursuant to law, provide that the bonds of said municipality may be issued in the manner provided by the Municipal Finance Act for the issuance of bonds for other purposes, for the purpose of acquiring lands, buildings, and/or constructing buildings for a public library or libraries and for the equipment and establishment thereof. Said bond ordinance shall be approved by the qualified voters of the municipality as required by the constitution of North Carolina at a general municipal election or at a special election called for this purpose or for this and other purposes.

Issuance of bonds for purposes of a public library authorized.

SEC. 8. The City Council of the City of Reidsville shall have the power and authority to submit the question of the establishment and/or support and maintenance of a free public library or libraries to the qualified voters of the city at a general municipal election or at a special election called for this purpose or for this and other purposes. If a majority of the qualified voters within the city vote in the affirmative, the city council shall establish the library or libraries and levy and cause to be collected as other general taxes are collected a special tax of not more than ten cents (10c) and not less than three cents (3c) on the hundred dollars ($100.00) of the assessed value of the taxable property of said city. The fund so derived shall constitute the library fund and shall be kept separate from the other funds of the city to be expended exclusively upon such library or libraries. The powers granted to the City of Reidsville by the preceding Section are in addition to those contained in Article 8 of Chapter 160 of the General Statutes of North Carolina.

Election upon question of establishment of free public library authorized.

Establishment of library in event of majority vote therefor.

Special tax levy authorized.

Library fund.

Powers herein granted declared additional.

SEC. 9. One or more of the questions which this Act authorizes to be submitted to the qualified voters of the City of Reidsville may be submitted at the same election and

Provision for submission of questions herein authorized.

under the same registration or any question may be submitted at a separate election and under separate registrations. The city council may order a new registration of the voters for any election authorized herein.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 11. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1947.

S. B. 75 **CHAPTER 399**

AN ACT TO FIX THE DISTANCE FROM PUBLIC SCHOOLS IN LINCOLN COUNTY WITHIN WHICH THE SALE OF WINE AND BEER IS PROHIBITED.

The General Assembly of North Carolina do enact:

Sale of beer or wine near public schools in Lincoln County, prohibited.

SECTION 1. That within the County of Lincoln and outside of the corporate limits of the Town of Lincolnton no person, firm, individual, or corporation shall engage in selling wine or beer within a distance of two hundred (200) yards of any public school in said county: *Provided,* that the Board of County Commissioners of Lincoln County are hereby fully authorized and empowered to increase the distance from public schools within which the sale of wine and beer is hereby prohibited to a distance not exceeding four hundred (400) yards, by appropriate resolution duly adopted by said board of county commissioners.

Act not applicable within corporate limits, Town of Lincolnton.

SEC. 2. That nothing contained in this Act shall apply to territory within said county lying within the corporate limits of the Town of Lincolnton.

Revocation of license for violations.

SEC. 3. That the Board of County Commissioners of Lincoln County are hereby fully authorized and empowered to revoke the license of any person engaged in the sale of wine and beer within the prohibited distances herein provided for, and are, likewise, fully authorized and empowered to refuse to grant a license to sell beer and wine within said prohibited distances.

Violations made misdemeanor.

SEC. 4. That any person, firm, individual, or corporation violating the provisions of this Act, or any resolution of the Board of County Commissioners of Lincoln County adopted in conformity to this Act, shall be guilty of a misdemeanor

and shall be punished by a fine or imprisonment in the discretion of the court.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

S. B. 128 **CHAPTER 400**

AN ACT TO ESTABLISH A STANDARD RULE OF MEASUREMENT OF SAW LOGS OR OTHER ROUND TIMBER.

The General Assembly of North Carolina do enact:

SECTION 1. The standard rule for determining the number of board feet in a tree or log shall be the so-called "International ¼ inch Log Rule." None of the provisions of this Section shall apply to contracts entered into prior to the ratification of this Act, nor to the measure of damages in any action in tort. This Act shall not prevent the buyer and the seller from agreeing that some other Log Rule shall be used to determine the number of board feet in trees or logs covered by the contract between them. Standard rule of measurement of logs.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after January 1st, 1948. Effective date.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 374 **CHAPTER 401**

AN ACT TO FIX THE SALARIES OF THE SHERIFF AND CERTAIN OFFICIALS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 7 of Chapter 78 of the Public-Local Laws of 1941 by striking out the words "four thousand" in line five of said Section 7 and by inserting in lieu thereof the words "four thousand eight hundred." Ch. 78, Public-Local Laws, 1941, amended, to increase salary of Sheriff, Burke County.

Salary of Chief Deputy Sheriff.

SEC. 2. That the chief deputy attached to the Office of the Sheriff of Burke County shall be paid a salary of two hundred fifty dollars ($250.00) per month plus fifty dollars ($50.00) per month as travel allowance.

Ch. 156, Session Laws, 1945 amended to increase salary of Assistant Clerk Superior Court, Burke County.

SEC. 3. Amend Section 1 of Chapter 156 of the Session Laws of 1945 by striking out the words and figures "twenty-five dollars ($125.00)" as the same appears in the sixth line of said Section 1, and by inserting in lieu thereof the following: "seventy-five dollars ($175.00)," it being the intent and purpose of this Act to increase the salary of the Assistant Clerk of the Superior Court of Burke County from one hundred twenty-five dollars ($125.00) per month to one hundred seventy-five dollars ($175.00) per month.

Ch. 48, Public-Local Laws, 1929, amended to increase salary of Clerk of Superior Court.

SEC. 4. Amend Section 2 of Chapter 48 of the Public-Local Laws of 1929 by striking out the words "three thousand six hundred dollars ($3,600)" in lines 2 and 3 of said Section 2 and by inserting in lieu thereof the words "three thousand eight hundred dollars ($3,800)."

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 415 CHAPTER 402

AN ACT TO ESTABLISH WINSTON-SALEM FIREMEN'S RETIREMENT FUND ASSOCIATION.

The General Assembly of North Carolina do enact:

Winston-Salem Firemen's Retirement Fund Association, established.

SECTION 1. That the name of the Association herein established shall be Winston-Salem Firemen's Retirement Fund Association, and sometimes hereinafter referred to as the Association.

Membership qualifications.

SEC. 2. The membership of the Association shall be limited to such persons who have been regularly employed by the Fire Department of the City of Winston-Salem, for a period of one year prior to the ratification of this Act, including fire department mechanics and electricians, and to such persons as may thereafter be employed in said department and continue their employment for a period of one year.

Authority to raise funds.

SEC. 3. The Association may provide and raise funds in any legal manner to be used as a pension fund for such person or persons as may be entitled thereto under the provisions of this Act and to such extent as is hereinafter set out.

Governing body to consist of Board of Trustees.

SEC. 4. The governing body of the Association shall consist of a board of trustees, five (5) in number, four (4) from the membership of the Winston-Salem Fire Department, and one to be appointed by the Insurance Commissioner of the State of North Carolina.

City Fire Department elects four representatives on Board of Trustees.

SEC. 5. That during the first week of January of each year, an election shall be held for the purpose of electing, by secret ballot, four (4) representatives from the Fire Department of the City of Winston-Salem, to the board of trustees. Only members of this Association, in good standing, who have continuously served in the Winston-Salem Fire Department for a period of four (4) years shall be eligible for election to membership on the board of trustees. Each fire company may, by majority vote of the active members of said company, nominate one candidate for election to membership on the board of trustees. Each member of the Association may vote for four nominees. The four eligible members of the Winston-Salem Fire Department receiving the largest number of votes cast shall constitute the trustees from the fire department. The members of the board of trustees, elected, shall hold office as members of said board until the term of office expires or is otherwise vacated and his or her successor is duly elected and qualified.

Election of Trustees by the Fire Department.

Within thirty (30) days after the expiration of sixty (60) days following the ratification of this Act by the General Assembly, the acting chief of fire department shall cause an election to be held in each fire station for the purpose of nominating candidates to be elected within thirty (30) days after the primary election. The four (4) candidates receiving the largest number of votes cast by secret ballot shall constitute the trustees from the fire department. The four (4) members of the board of trustees elected shall hold office as members of said board until the regular election is held during the first week in January, 1948. *Provided, however,* that only members of this Association shall be eligible to vote in said election.

Vacancies.

SEC. 6. Should any member of the board of trustees retire from the Winston-Salem Fire Department, or die during his or her term of office as trustee, his or her successor shall be elected or appointed as provided for in Section 5 of this Act.

Power and authority of Board of Trustees.

SEC. 7. The board of trustees is herein fully vested with the exclusive right and authority to pay from the funds of this Association, as provided for in this Act, upon a majority vote of said trustees. All matters and claims provided for under this Act shall be passed upon by said trustees and all decisions and actions of said trustees shall, by a majority vote, be binding upon the Association and the members thereof. Every member of said board of trustees shall be entitled to one vote except the chairman of said board, who shall be elected by the members thereof, who shall be entitled to vote only in the case of a tie vote. At every annual meeting as hereinafter provided for, the members of the board of trustees shall elect, by a majority vote, a chairman, vice-chairman, secretary and treasurer. The secretary and treasurer, however, need not be members of the board of trustees and the offices of the secretary and treasurer may be, in the discretion of the board of trustees, combined, or until his or her successor is appointed.

Organization of the Board.

Reimbursement for expenses.

SEC. 8. The members of the board of trustees and the secretary and treasurer of the Association shall serve without compensation, but they shall be reimbursed, when authorized by the board of trustees, for all expenses necessarily incurred in connection with their services on behalf of the Association.

Custodian of funds.

SEC. 9. The board of trustees shall elect, by a majority vote, a custodian of all funds and property of the Association, *provided, however,* that such custodian shall have, before election, first satisfied and arranged by virtue of his office with the State of North Carolina by bond or otherwise that it is and will be financially responsible for all property coming into its hands in a fiduciary capacity, and said custodian shall not release any of the funds or property of said Association except upon the written authorization of a majority of the board of trustees.

Accountability of Custodian.

Special meetings of Board.

SEC. 10. A special meeting of the board of trustees may be called by the chairman or vice-chairman or any two members of said board upon twenty-four hours' written notice delivered in person to the members of said board or mailed to the last known address of each member of said board. A majority of the board of trustees shall constitute a quorum and any and all business coming before said board for consideration may be transacted at any meeting where all or a majority of said trustees are present.

Quorum.

Duties of Chairman.

SEC. 11. The chairman of the board of trustees, when present, shall preside at all meetings. In the absence of the chairman the vice-chairman shall act as chairman.

Duties of Secretary.

SEC. 12. The secretary shall keep in complete form such data as shall be necessary for actual valuation of the funds of said Association and for checking the disbursements for and on behalf of the Association. He shall keep a minute book or books of all proceedings of the board of trustees and of the Association and the same shall be kept in a place selected by the board of trustees. The treasurer of the Association shall post yearly at each fire station, at or near the end of each year, a financial statement of the Association.

Annual Financial statement by Treasurer.

Transfer of funds and properties to Custodian.

SEC. 13. Upon the election of a custodian by the board of trustees, the treasurer of the present Winston-Salem Firemen's Relief Fund shall immediately deposit with said custodian, and receive a receipt therefor, all sums of money and all property belonging to the present Winston-Salem Firemen's Relief Fund, except as otherwise provided for by this Act, and the Treasurer of the Winston-Salem Firemen's Retirement Fund Association shall deposit with said custodian all property and money that may come into his hands for said Association. The Treasurer of the Winston-Salem Firemen's Retirement Fund Association shall obtain a receipt from the custodian for all money or property delivered to the custodian by the said treasurer. Said custodian shall invest only such cash coming into its hands in such property or securities as may be authorized in writing by a majority vote of the members of the board of trustees. Said custodian shall, upon the written authority from a majority of the board of trustees dispose of any of the property or securities which it may have on hand and reinvest the proceeds from the sale thereof in such property or securities as may be so authorized by said trustees, and such custodian will not be liable to the Association for any losses which may be sustained by reason of investments made prior to the passage of this Act or investments made under the authority given by the trustees as herein provided for after this Act becomes effective.

Investment of funds by Custodian.

Liability for losses.

Compensation of Custodian.

SEC. 14. Such custodian as may be elected and may act under and by virtue of the authority of this Act shall receive such compensation for services rendered as may be agreed upon in writing between such custodian and a majority of the members of the board of trustees, and, in addition thereto, the board of trustees shall have the authority to employ legal counsel, when, in the opinion of a majority of the board, legal counsel is necessary, to advise with said board or with said custodian and to represent said trustees or the custodian in the event of litigation, and in case of such employment, said counsel shall be paid such fees as may be determined to be fair and rea-

Employment of legal counsel.

sonable by a majority of said board of trustees and the counsel so employed.

Transfer of funds by Board of Trustees, Winston-Salem Firemen's Relief Fund.

SEC. 15. The Board of Trustees of the Winston-Salem Firemen's Relief Fund shall transfer to the Board of Trustees of the Winston-Salem Firemen's Retirement Fund Association, out of the property and funds now belonging to the Winston-Salem Firemen's Relief Fund of the City of Winston-Salem, the sum of thirty-seven thousand dollars ($37,000.00) in cash or assets. All property of the Winston-Salem Firemen's Retirement Fund Association is hereby relieved from any and all further claims of the persons entitled to relief from the Winston-Salem Firemen's Relief Fund. The North Carolina Firemen's Association, its officers, members, boards, and committees, are also hereby relieved of any claim of any kind whatsoever which may be based on past service, present service, or future service in the Winston-Salem Fire Department. The Firemen's Relief Fund of the City of Winston-Salem, and the officers, members, boards and committees of said fund are also hereby relieved of any claim of any kind whatsoever which may be based on past, present or future service in the Winston-Salem Fire Department, if any, so long as any claimant is entitled to benefits or pension under the provisions of this Act.

Relief from claims by persons eligible for benefits under this Act.

Application for membership in Association.

SEC. 16. All of the active members of the Winston-Salem Fire Department who have served for a period of one year prior to the ratification of this Act, shall apply in writing for membership in this Association on or before the expiration of sixty (60) days after the ratification of this Act. All present members of the Winston-Salem Fire Department failing to make application for membership in this Association before the expiration of sixty (60) days after the ratification of this Act, may apply in writing for membership in this Association on the first day of any month after the expiration of sixty (60) days after ratification of this Act, shall lose all prior service in said fire department, but shall receive the same compensation as a new member of said fire department. No person elected or appointed as a member of the Winston-Salem Fire Department after the ratification of this Act shall be eligible to participate in the benefits provided for in this Act until he or she has served continuously with said fire department for a period of one year and in the event that the board of trustees deems it necessary or advisable, and so determines by a majority vote of the members of said board, such newly appointed member of said fire department shall not be eligible to participate in the benefits provided for in this Act until after such appointee has been examined by a doctor to be selected by the board of trustees, the expense of which shall be borne by such

Eligibility for participation in benefits.

appointee, and until after said doctor submits to the board of trustees a report showing said appointee to be in good physical and mental condition. If, after continuous service of one year probation period, and after medical examination, where deemed necessary or advisable by the board of trustees, and said appointee is found to be in good physical and mental condition, such appointee of said fire department shall automatically become a member of this Association.

Monthly deductions from salaries of members, by Treasurer of Winston-Salem.

SEC. 17. The Treasurer of the City of Winston-Salem shall make a monthly deduction from the salary of each member of this Association due him or her by the City of Winston-Salem to the extent of five dollars ($5.00) per month from each member's salary as may be directed in writing by the board of trustees, and the amount so deducted shall be turned over monthly by the Treasurer of the City of Winston-Salem to the treasurer of this Association, who in turn will deliver the same to the custodian of this Association as hereinbefore provided, and this Association shall have the authority to accept donations from any and all sources whatsoever.

Acceptance of donations.

Payment of benefits on a pro rata basis.

SEC. 18. If at any time there should not be sufficient money or securities in the retirement fund of this Association to fully pay the persons entitled to benefits provided for herein, then and in that event the person entitled to such benefits shall be paid on a pro rata basis and to such extent as its assets will allow and the retirement fund will justify, as may be determined by a majority vote of the board of trustees. Provided the assets in the Winston-Salem Firemen's Retirement Fund shall not be less than thirty-seven thousand dollars ($37,000.00) at any time.

Minimum assets.

Application for benefits under Act, after 30 years service.

SEC. 19. Whenever any member of this Association has served as a member of the Winston-Salem Fire Department for a period of thirty years, such member may make written application to the trustees of this Association for such benefits as he or she may be entitled to receive under this Act, and, if, upon investigation by the board of trustees, they find by a majority vote that the petitioner has served in the Winston-Salem Fire Department for a period of thirty years, including one year probation period, such petitioner shall be awarded a pension and be paid monthly for the remainder of his or her life, fifty dollars ($50.00) per month except as otherwise provided for in Section 18 of this Act.

Pensions payable monthly.

Total and permanent disability benefits.

SEC. 20. Whenever any member of the Association becomes totally and permanently disabled to perform his or her duties as a member of the Winston-Salem Fire Department from injury or disease, he or she shall receive two dollars ($2.00) per month times number of years served, beginning at the

beginning of the sixth year, and not to exceed fifty dollars ($50.00) per month as he or she shall be paid on a pro rata basis as provided for in Section 18 of this Act.

Reinstatement of persons retired on account of infirmities.

SEC. 21. Any member of this Association who may have retired on account of infirmity or disease and who has not served in the Winston-Salem Fire Department for a period of thirty years, shall be subject to call, by a majority vote of the board of trustees, for re-examination by a physician of good standing and repute to be selected by said trustees, and, if, upon such examination, it is determined by such physician and by a majority vote of said trustees, such member is able to perform active duty in the Winston-Salem Fire Department, he may be reinstated and receive for his services the same compensation paid to other members of the Winston-Salem Fire Department in his rank or classification. If such member, upon being called by the board of trustees, shall refuse to submit to an examination or shall refuse to be reinstated to active duty in the Winston-Salem Fire Department, after being found to be able to perform active duty, such pension or benefits as he is then receiving under provisions of this Act shall immediately terminate and his membership in this Association shall automatically terminate. But in the event that such member is physically unable to resume active duty, or in the event he is able and willing to resume active duty, but no job with the Winston-Salem Fire Department is open for him at this time, his pension or compensation shall continue until there shall be an opening for such member or until he is reemployed in the Winston-Salem Fire Department.

Termination of membership upon refusal of reinstatement.

Payment of pension during disability for duty or pending return to job.

Payments upon resignation or dismissal.

Death benefits.

Benefits payable on death during retirement.

SEC. 22. When any member of this Association or the Fire Department of the City of Winston-Salem shall resign or be dismissed from this Association or from the Winston-Salem Fire Department, he or she shall receive a sum of money not to exceed one-half of all money paid into this Association by said member, or upon the death of any member of this Association while still a member of the Winston-Salem Fire Department, a sum of money not to exceed one-half of all monies paid into this Association shall be paid to the beneficiary, or beneficiaries designated by him. If after retirement a member of this Association should die before having received in retirement benefits an amount equal to one-half of the member's contributions to the retirement fund there shall be paid to the beneficiary or beneficiaries designated by him, or in default thereof to his estate, an amount equal to one-half of his contributions, less the sum of retirement benefits paid to such member. Such reimbursements may be made on a monthly basis not to exceed the amount being paid to each member of this Association on retirement.

Accounts of members not transferable.

SEC. 23. No amounts payable to or held under the plan for the account of any member or beneficiary thereof shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge; nor shall any amount payable to or held under the plan for the account of any member or beneficiary thereof be in anywise liable for his debts, contracts, liabilities, engagements, or torts nor be subject to any legal process to levy upon or attachment.

Exempted from debts.

Payments from Insurance Commissioner of North Carolina.

SEC. 24. Out of the amount paid to the Insurance Commissioner of the State of North Carolina upon the amount of all premiums on fire and lightning policies covering property situated in the corporate limits of the City of Winston-Salem, the Insurance Commissioner of the State of North Carolina shall pay annually to the Treasurer of the City of Winston-Salem ninety-five per cent, and the Treasurer of the City of Winston-Salem shall immediately pay over the same to the Treasurer of the Winston-Salem Firemen's Retirement Fund Association.

Members exempt from personal liability, except for fraud.

SEC. 25. No member of this Association, nor member of the board of trustees shall be personally liable in any manner whatsoever to any person, association, firm or corporation by reason of his connection with, act or acts on behalf of, said Association unless such act or acts are fraudulently committed.

Partial invalidity section.

SEC. 26. If any part or Section of this Act should be declared unconstitutional or invalid by the Supreme Court of North Carolina, it shall in no wise affect the remainder of this Act, and the remainder shall remain in full force and effect.

Conflicting laws repealed.

SEC. 27. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 28. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 458 CHAPTER 403

AN ACT TO AMEND CHAPTER 96 OF THE PUBLIC-LOCAL LAWS OF 1919 RELATING TO COMPENSATION OF THE COMMISSIONERS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 96, Public-Local Laws, 1919, amended.

SECTION 1. Section 1 of Chapter 96 of the Public-Local Laws of 1919 be, and the same is hereby, amended to read as follows:

Compensation of Chairman and members of Board of County Commissioners, Polk County.

SECTION 1. The compensation of the Chairman of the Board of County Commissioners of Polk County shall be ten dollars ($10.00) per day for each day he is engaged in official business of said county. The other Members of the Board of County Commissioners of Polk County shall receive as compensation for their services the sum of eight dollars ($8.00) per day for each day in which they are engaged in official business of said county.

Mileage allowance.

In addition to the compensation herein fixed, the Chairman and Members of the Board of County Commissioners of Polk County shall be allowed mileage at the rate of five cents (5c) per mile while traveling on official business of said county.

Act retroactive.

The provisions of this Section shall be retroactive to December 2nd, 1946.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 489 CHAPTER 404

AN ACT TO AMEND CHAPTER 539 OF THE PUBLIC-LOCAL LAWS OF 1943 RELATING TO THE INCORPORATION OF THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

Ch. 539, Session Laws, 1943, amended, election of town constable, town of Benson.

SECTION 1. Chapter 539 of the Public-Local Laws of 1943 is amended by inserting between the words "mayor" and "and" in line 4 of Section 3 of said Chapter a comma and the words "a town constable."

Sec. 3 of chapter amended, as to filing notice of candidacy.

SEC. 2. Chapter 539 of the Public-Local Laws of 1943 is hereby amended by inserting between the words "commissioner" and "shall" in line 3 of Subsection (c) of Section 3 thereof the following: "or other elective officer."

Subsection (c) of Section 3 of Chapter 539 of the Public-Local Laws of 1943 is further amended by striking out the words "at least ten days prior to the primary election" in lines 3 and 4 thereof, and inserting in lieu thereof the following: "on or before twelve o'clock noon on Tuesday next preceding the date of the municipal primary election."

Sec. 3, further amended, as to posting names of candidates.

Subsection (d) of Section 3 of Chapter 539 of the Public-Local Laws of 1943 is amended by striking out the words "petition of candidates" in line 2 of said Subsection, and inserting in lieu thereof the words "notice of candidacy."

Sec. 4, amended as to period of registration.

SEC. 3. Chapter 539 of the Public-Local Laws of 1943 is further amended by inserting between the words "on" and "Saturday" in line 13 of Section 4 the words "the third."

Sec. 10, amended to extend authority of police officers.

SEC. 4. Chapter 539 of the Public-Local Laws of 1943 is amended by adding at the end of Subsection (b) of Section 10 thereof the following:

In addition to their other legal authority, all law enforcement officers of the Town of Benson shall have authority to make arrests and exercise their other legal functions at any point within the corporate limits of the Town of Benson, or within one and one-half miles of the corporate limits of the Town of Benson: *Provided,* that in no event shall any power herein granted extend beyond the boundaries of Johnston County.

Sec. 12, relating to vacancy in office of mayor, amended.

SEC. 5. Chapter 539 of the Public-Local Laws of 1943 is further amended by striking out the word "to" in line 1 of Section 12 of said Chapter, and inserting in lieu thereof the word "or."

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 491 **CHAPTER 405**

AN ACT TO RELIEVE THE CLERK OF THE SUPERIOR COURT OF BEAUFORT COUNTY OF THE DUTY OF INDEXING TAX FORECLOSURE JUDGMENTS UNDER THE NAME OF THE PLAINTIFF IN SUCH ACTION.

The General Assembly of North Carolina do enact:

Indexing of tax foreclosure judgments, Beaufort County.

SECTION 1. That the Clerk of the Superior Court of Beaufort County be and he hereby is relieved of the duty of indexing tax foreclosure judgments under the name of the plaintiff in any

such action, but this Act shall not be construed as relieving said clerk of the duty of cross indexing such judgments under the names of all defendants in such actions.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 538 **CHAPTER 406**

AN ACT TO VALIDATE CERTAIN CONVEYANCES OF REAL PROPERTY MADE BY THE TOWN OF GRANITE FALLS.

Preamble:

Conveyances by Town of Granite Falls without advertisement.

WHEREAS, the Town of Granite Falls prior to January 1st, 1946, made several conveyances of small tracts of land, owned by it, without first advertising said lands for public sale; and

WHEREAS, it is necessary that these conveyances be validated: *Now, therefore,*

The General Assembly of North Carolina do enact:

Conveyances of real estate validated.

SECTION 1. All conveyances of real estate made by the Town of Granite Falls, either at private or public sale, prior to January 1st, 1946, are hereby validated.

Application of Act.

SEC. 2. This Act shall apply only to the Town of Granite Falls.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 572 **CHAPTER 407**

AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF, REGISTER OF DEEDS, JUDGE, AND SOLICITOR OF RECORDER'S COURT, BOARD OF COUNTY COMMISSIONERS, AND BOARD OF EDUCATION AND COUNTY ACCOUNTANT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Caswell County.

SECTION 1. The Sheriff of Caswell County shall receive a salary of one hundred seventy-five dollars ($175.00) per month, and in addition thereto, shall be paid the sum of twenty-five dollars ($25.00) a month for travel expenses.

Salary of Register of Deeds, as ex officio clerk to County Commissioners.

SEC. 2. The board of county commissioners is authorized and empowered to pay the Register of Deeds of Caswell County as ex officio clerk to the county board of commissioners a sum not exceeding sixty dollars ($60.00) per month.

Salary of County Accountant.

SEC. 3. The County Accountant of Caswell County shall receive a salary of one hundred fifty dollars ($150.00) per month.

Salaries of Judge and Solicitor.

SEC. 4. The Judge and Solicitor of the Recorder's Court of Caswell County shall each receive a salary of one hundred dollars ($100.00) per month.

Compensation of members of Board of County Commissioners and County Board of Education.

Mileage allowance.

SEC. 5. The members of the board of county commissioners and the members of the county board of education shall each receive the sum of eight dollars ($8.00) per day for each day they are required to attend the meetings of their respective boards for the transaction of county business and an allowance of five cents (5c) per mile for each day's travel to and from the county seat over the usual route of travel and also for any other travel done in the performance of their duties.

Effective date.

SEC. 6. The salaries herein authorized shall be effective as of July 1st, 1947.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 594 **CHAPTER 408**

AN ACT VALIDATING SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON AND MUNICIPALITIES THEREIN MADE DURING THE YEAR 1945 AND 1946 AND CONFIRMING SETTLEMENTS AND ADJUSTMENTS OF TAXES HERETOFORE MADE BY THE GOVERNING BODY OF ROBESON COUNTY AND THE GOVERNING BODY OF THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Tax sales made during 1945 and 1946 in Robeson County and municipalities therein, validated.

SECTION 1. That all sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years 1945 and 1946, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale, be and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Tax settlements and adjustments validated.

SEC. 2. That all settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing boards of any municipality in Robeson County, be, and the same are hereby confirmed and validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 655 **CHAPTER 409**

AN ACT TO AMEND SECTION 153-180 OF THE GENERAL STATUES OF NORTH CAROLINA RELATING TO FEES OF THE COUNTY JAILER IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

G. S., 153-180, amended.

SECTION 1. That Section 153-180 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

In Avery County the jailer shall receive for furnishing prisoners with food, water and other necessary expenses, a sum to be fixed by the board of county commissioners not in excess of one dollar and twenty-five cents ($1.25) per day for each prisoner, provided the said amount is collected from the said prisoner. Fees of jailer, Avery County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 710 **CHAPTER 410**

AN ACT TO AMEND SECTION 152-5 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO FIX THE COMPENSATION OF THE CORONER OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 152-5 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows: G. S., 152-5, amended.

In Cabarrus County the coroner shall receive the sum of ten dollars ($10.00) per day for each day necessarily engaged in holding inquests and in carrying out other necessary duties pertaining to his office. Compensation of Coroner, Cabarrus County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

H. B. 711 CHAPTER 411

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CABARRUS COUNTY TO FIX THE SALARY OF THE COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Salary of County Treasurer, Cabarrus County.

SECTION 1. The Board of County Commissioners of Cabarrus County are hereby authorized to fix the salary of the county treasurer of said county in an amount not in excess of twenty-four hundred dollars ($2,400.00) per year. The amount so fixed shall be paid to the said county treasurer in twelve equal monthly installments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1947.

S. B. 34 CHAPTER 412

AN ACT TO AMEND SECTION 128-15.1 OF THE GENERAL STATUTES RELATING TO PREFERENCE RATINGS FOR WAR VETERANS.

The General Assembly of North Carolina do enact:

G. S., 128-15.1, amended.

Preference rating provisions extended to include service in Coast Guard.

SECTION 1. Section 128-15.1 is hereby amended by inserting in line ten, after the words "the armed services" and before the words "or the nurses", the words "coast guard and coast guard reserve."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 49

CHAPTER 413

AN ACT TO AMEND CHAPTER 33 OF THE GENERAL STATUTES TO PROVIDE FOR THE APPOINTMENT OF A GUARDIAN OF THE PERSON OF A MINOR BY A JUVENILE COURT OR DOMESTIC RELATIONS COURT AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

G. S., 33-2, relating to disposal of custody of minors by parents, amended.

SECTION 1. Amend Section 33-2 of the General Statutes of North Carolina as the same appears in Section 20 of Chapter 73 of the Session Laws of 1945 by striking out the phrase, "by deed executed in his lifetime with the written consent and due proof of execution or acknowledgement of the same by the mother if she be living or," as the same appears in the fifth, sixth and seventh lines of said Section 20 of Chapter 73 of the Session Laws of 1945.

SEC. 2. Further amend Section 33-2 of the General Statutes of North Carolina as the same appears in the 1943 edition of said General Statutes of North Carolina by striking out the words "deed or" as the same appears in the eighth line from the bottom or the end of said Section and by striking out the words "deed or" as the same appears in the twelfth line from the bottom or end of said Section.

G. S., 33-1, amended.

SEC. 3. Chapter 33 of the General Statutes is further amended by inserting a new Section G. S. 33-1.1 to read as follows:

In absence of natural guardian, Superintendent of Public Welfare serves.

G. S. 33-1.1. Absence of natural guardian. Where there is no natural guardian of a minor or where a minor has been abandoned, and in either event the minor requires service from the department of public welfare, until the appointment of a guardian of the person for said minor under this Chapter, the superintendent of public welfare of the county in which such minor resides shall be the guardian of the person of said minor: *Provided,* however, that nothing in this Section shall be construed as changing or affecting the appointment or the duties or powers of any next friend of, or any guardian or trustee of the property or estate of, any minor, or any existing laws relative to the handling or disposition of the property of any minor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 119 CHAPTER 414

AN ACT TO AMEND SECTION 135-3 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

G. S., 135-3, governing membership in the Teachers and State Employees' Retirement System, amended.

SECTION 1. Amend Section 135-3 of the General Statutes of North Carolina by adding thereto a new Subsection to be designated as Subsection (4), which said Subsection (4) shall read as follows:

SUBSECTION (4). Any teacher or State employee whose membership is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership; but no such teacher or State employee shall receive prior service credit.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 220 CHAPTER 415

AN ACT VALIDATING A NEW INDEX AND CROSS INDEX SYSTEM FOR REAL ESTATE RECORDS FROM THE ORGANIZATION OF THE COUNTY THROUGH 1941 IN THE OFFICE OF THE REGISTER OF DEEDS FOR HARNETT COUNTY.

The General Assembly of North Carolina do enact:

New index and cross index system, office of Register of Deeds, Harnett County, ratified.

SECTION 1. That the eight volumes of the grantor index and the eight volumes of the grantee or cross index, together forming a sixteen volume new, typewritten, family index and cross index system, which has been prepared in typewritten form for Harnett County under the direction of the board of county commissioners, embracing the real estate conveyances, deeds, mortgages, liens, transfers and encumbrances which were filed for record during the years from the organization of the county in 1858 through 1941, inclusive, are hereby ratified, confirmed and approved, and the same shall be the official index and cross index for real estate conveyances for Harnett County for

System declared to be official record of real property conveyances.

the said years in lieu of the several old, worn, handwritten volumes of indexes and cross indexes for such conveyances covering said years.

Old records to be kept on file.

SEC. 2. That the Register of Deeds for Harnett County, and her successors in office, shall keep the old index and cross index volumes on file in her office for the reference of such persons as may desire to use them.

Register of Deeds not liable for errors in new system.

SEC. 3. That the Register of Deeds of Harnett County, and her successors in office, and deputies and sureties on their several bonds, shall not be liable or answerable in damages for any errors in the new index and cross index system.

Persons certifying titles not answerable in damages by reason of errors in new system.

SEC. 4. That the Register of Deeds of Harnett County, and her successors in office, their deputies, the sureties on their bonds, and all attorneys at law, abstracting companies and other persons who may use the new index and cross index system and who shall make and issue their certificates of record and certificates and abstracts of title in reliance upon the said new index and cross index system shall not be liable or answerable in damages for or by reason of any errors which may exist in the new index and cross index system.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws, general, special, public, local or private in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 227 **CHAPTER 416**

AN ACT TO AMEND CHAPTER 193 OF THE SESSION LAWS OF 1945 RELATING TO THE CHARTER OF THE CITY OF ELIZABETH CITY IN PASQUOTANK COUNTY SO AS NOT TO REQUIRE A NEW REGISTRATION OF VOTERS.

The General Assembly of North Carolina do enact:

Ch. 193, Session Laws, 1945, amended to repeal requirement for new registration, Elizabeth City.

SECTION 1. The first sentence of Section 7 of Chapter 193 of the Session Laws of 1945 is hereby repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 234 **CHAPTER 417**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SURRY COUNTY TO APPROPRIATE FUNDS FOR THE PAYMENT OF SALARIES OF FULL-TIME DEPUTIES SHERIFF: TO INSTALL RADIO EQUIPMENT IN THE AUTOMOBILES OF DEPUTIES SHERIFF AND TO PROVIDE FOR THE PAYMENT OF CERTAIN OFFICERS FEES IN SURRY COUNTY INTO THE GENERAL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Salaries of deputy sheriffs, Surry County.

SECTION 1. The Board of Commissioners of Surry County is hereby authorized, in its discretion, to place on a salary basis, and to fix the salaries of, not more than five deputies sheriff, including the deputies sheriff heretofore and now on a salary basis in said county. The board is authorized, in its discretion, to appropriate from the general fund of the county an amount not to exceed the sum of eight hundred dollars ($800.00) per calendar month for the purpose of providing for payment of the salaries described in the first sentence of this Section.

Appropriation for payment of salaries authorized.

County Commissioners authorized to discontinue appropriations.

SEC. 2. The said board of commissioners is authorized to discontinue the payment of any part or the whole of the funds appropriated and set aside for the purposes set forth in the preceding paragraph at any time and for any, or without any, reason.

Salaries in lieu of all fees and commissions.

SEC. 3. No deputies sheriff who receives a salary or fixed compensation under the provisions of this Act shall receive any fee for the service of warrants, capiases, subpoenas or other process issuing in any criminal action, but the fees for such service shall be taxed in the bill of costs by the Clerk of the Superior Court of Surry County and paid to the treasurer of said county and by such treasurer paid into the general fund of the county.

Fees taxed by CSC and payable to county treasurer.

Appropriation for installation of radio equipment in autos used by deputy sheriffs authorized.

SEC. 4. The Board of Commissioners of Surry County is hereby authorized and empowered in its discretion to install, or caused to be installed, in automobiles employed and operated by any of the Deputies Sheriff of Surry County radio equipment such as is now in general use in motor vehicles of law

enforcement officers, and to appropriate and pay from the general fund of said county, moneys and funds to defray the expense of such installation of radios and radio equipment.

Appropriations authorized not required.

SEC. 5. Nothing in this Act shall be construed to require said commissioners to appropriate any funds for the purposes of this Act.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 237 **CHAPTER 418**

AN ACT TO AMEND CHAPTER 209 OF THE SESSION LAWS OF 1945 SO AS TO MAKE THE PROVISIONS THEREOF APPLICABLE TO LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 209, Session Laws, 1945, authorizing adjustment of delinquent taxes, Moore County, applicable to Lincoln and Wake Counties, and the City of Raleigh.

SECTION 1. That Chapter 209 of the Session Laws of 1945 be, and the same is hereby, amended by adding a new Section to be designated as Sec. 4½, to follow Sec. 4 of said Act:

SEC. 4½. That all the authority and power given to the Board of County Commissioners of Moore County under the terms and provisions of this Act be, and they are hereby, extended to the Board of County Commissioners of Lincoln County and to the Board of County Commissioners of Wake County and to the governing body of the City of Raleigh.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 21st day of March, 1947.

S. B. 239 **CHAPTER 419**

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE TOWN OF ANDREWS NEED NOT BE QUALIFIED VOTERS THEREIN.

The General Assembly of North Carolina do enact:

Certain officials of Town of Andrews not required to be qualified voters therein.

SECTION 1. That the provisions of Chapter 160-25 of the General Statutes of 1943, requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein, shall not apply to the town marshal, town clerk, fire chief, deputy marshal, or other officers or employees of the Town of Andrews, except that the mayor and the members of the board of aldermen shall be qualified voters of the said Town of Andrews.

Exception, as to mayor and aldermen.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 244 **CHAPTER 420**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO SELL AT PRIVATE SALE THE REMNANTS OF THE COURTHOUSE SITE NOT CONSIDERED NECESSARY FOR PURPOSES FOR WHICH IT WAS ACQUIRED.

The General Assembly of North Carolina do enact:

Private sale of part of courthouse site, Harnett County, authorized.

SECTION 1. The Board of Commissioners of Harnett County is authorized and empowered to sell at private sale that portion of the courthouse site not considered necessary as a part of the courthouse grounds lying north of the Norfolk-Southern Railroad tracks and west of State Highway No. 15-A and containing four (4) acres more or less. The board may sell said property at such price as they may consider fair and reasonable, after having had the same appraised by two disinterested taxpayers.

Determination of sale price.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 254 **CHAPTER 421**

AN ACT TO AMEND SECTION 6 OF ARTICLE V OF THE CONSTITUTION TO INCREASE THE AMOUNT OF TOTAL STATE AND COUNTY TAX WHICH MAY BE LEVIED ON PROPERTY, BY CHANGING THE LIMITATION ON SAID TAX FROM 15c ON THE $100.00 VALUATION TO 25c ON THE $100.00 VALUATION.

The General Assembly of North Carolina do enact:

SECTION 1. Section 6 of Article V of the Constitution of North Carolina is hereby amended by striking out in the first sentence of said Section the word "fifteen" and inserting in lieu thereof the words "twenty-five." Art. V, Sec. 6, Constitution of North Carolina, amended to increase tax limitation.

SEC. 2. This amendment shall be submitted to the qualified voters in the State at the next general election in the same way and manner and under the same rules and regulations as provided in the laws governing general elections in this State. Submission of amendment to voters.

SEC. 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words "For amendment increasing the amount of total State and county tax which may be levied on property, by changing the limitation on said tax from fifteen (15) cents on the one hundred dollars ($100.00) valuation to twenty-five (25c) cents on the one hundred dollars ($100.00) valuation," and those opposed shall vote a ballot on which shall be written or printed the words "Against amendment increasing the amount of total State and county tax which may be levied on property, by changing the limitation on said tax from fifteen (15) cents on the one hundred dollars ($100.00) valuation to twenty-five (25) cents on the one hundred dollars ($100.00) valuation". Form of ballot.

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if a majority of the votes be cast in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among Rules and regulations governing election. Certification of result. Enrollment.

the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 268 **CHAPTER 422**

AN ACT TO CONSOLIDATE THE SEVERAL COMMISSIONS CREATED TO PROMOTE THE DEVELOPMENT OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, THE BLUE RIDGE PARKWAY, AND THE PISGAH AND NANTAHALA NATIONAL FORESTS IN NORTH CAROLINA.

Preamble:

Acquisition of lands for the Great Smoky Mountains National Park.

WHEREAS, the State of North Carolina has invested over two million dollars ($2,000,000) in the purchase of lands for the creation of the Great Smoky Mountains National Park, and various other individuals and organizations have also contributed toward the purchase of these lands and toward the creation of the Great Smoky Mountains National Park which is now owned and controlled by the Federal Government; and

Control of forest areas by the Federal Government.

WHEREAS, the Federal Government also owns and controls large areas in North Carolina known as the Pisgah National Forest and the Nantahala National Forest; and

Construction of Blue Ridge Parkway.

WHEREAS, several years ago the Federal Government began building the Blue Ridge Parkway to connect the Shenandoah National Park with the Great Smoky Mountains National Park; and

Interest in development of national forest areas.

WHEREAS, the State of North Carolina is vitally interested in the completion and development of the Great Smoky Mountains National Park in North Carolina, and is also vitally interested in the development of the Nantahala and Pisgah National Forests, and in the completion and development of the Blue Ridge Parkway; and a single State agency being desirable in the public interest to coordinate the efforts of the various individuals, groups, communities and State commissions and agencies interested in the development and operation of these projects in North Carolina, that duplication of

Single state agency desirable for coordination.

effort and conflict of aims may be avoided, and a unified, and well considered program may be developed and maintained, to the end that over-all plans for the development of the region as a whole may be formulated and pursued over a prolonged period: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. Sections 113-78 through 113-81, the same being Article 6 of Chapter 113 of the General Statutes of North Carolina, creating a committee to foster a program for the development of Federal parks, parkways and forests, is hereby repealed, all commissions and agencies created thereunder are hereby terminated, and all powers and authorities granted thereunder are hereby rescinded.

G. S., Sections 113-78 through 113-81, repealed.

SEC. 2. Chapter 48 of the Public Laws of the Session of 1927, as amended, is hereby repealed, all commissions or agencies created thereunder are hereby terminated, and all powers and authorities granted thereunder are hereby rescinded.

Ch. 48, Public Laws, 1927, repealed.

SEC. 3. Commission created; members appointed. There is hereby created a commission to be known as the North Carolina National Park, Parkway and Forests Development Commission, which commission, in addition to the duties hereafter specified, shall succeed to the general functions heretofore exercised by those commissions and agencies referred to in Sections 1 and 2 of this Act. The commission hereby created shall consist of seven members, one member of which shall be a resident of Buncombe County, one member a resident of Haywood County, one member a resident of Jackson County, one member a resident of Swain County, three members residents of counties adjacent to or affected by the development or completion of the Blue Ridge Parkway, the Great Smoky Mountains National Park or the Pisgah or Nantahala National Forests. The Chairman of the State Highway and Public Works Commission and the Director of the Department of Conservation and Development, shall be ex-officio members of the commission. There shall be transferred to the commission herein created all records, documents, accounts, funds, appropriations and all other properties and interests whatsoever heretofore owned or held by any commission or agency under the provisions of Article 6 of Chapter 113 of the General Statutes of North Carolina, as amended, or Chapter 48 of the Public Laws of 1927, as amended, and the commission herein created is hereby authorized to receive, hold, use, convey and expend the same, subject to the approval of the Director of the Budget, and in furtherance of the purposes of this Act.

The North Carolina National Park, Parkway and Forests Development Commission, created.

Membership of Commission.

Ex officio membership.

Transfer of records, properties and funds.

Members appointed by the Governor.

SEC. 4. Appointment of commissioners; term of office. On or before July 1st, 1947, the Governor of North Carolina shall appoint seven members of the original commission, two to serve for two years, two to serve for four years, and three to serve for six years, and as the terms of these commissioners expire, the Governor shall thereafter appoint members of the commission to serve for terms of six years. Members of the commission shall be eligible for reappointment. The Governor shall also accept the resignation of members of the commission and shall appoint members to serve the unexpired terms caused by the resignation or death of any of the members of the commission.

Staggered terms.

Vacancies.

Organization of Commission.

SEC. 5. Meetings; election of officers. The commission shall at its first meeting elect a chairman, a vice-chairman and a secretary. The chairman and the vice-chairman shall all be members of the commission, but the secretary need not be a member of the commission. These officers shall perform the duties usually pertaining to such offices and when elected shall serve for a period of one year, but may be re-elected. In case of vacancies by resignation or death, the office shall be filled by the commission for the unexpired term of said officer. The commission shall meet monthly at the time and place designated by its chairman, or upon order duly made by the commission it shall meet only upon call of its chairman. The commission shall adopt such other rules, regulations and by-laws governing the operation of the commission as it shall deem necessary. Five members of the commission shall constitute a quorum for the transaction of business.

Duties of officers.

Meetings.

Adoption of by-laws.

Quorum.

Functions and duties of Commission.

SEC. 6. Duties of the commission. The commission shall endeavor to promote the development of that part of the Smoky Mountains National Park lying in North Carolina, the completion and development of the Blue Ridge Parkway in North Carolina, the development of the Nantahala and Pisgah National Forests, and the development of other recreational areas in that part of North Carolina immediately affected by the Great Smoky Mountains National Park, the Blue Ridge Parkway, or the Pisgah or Nantahala National Forests. It shall be the duty of the commission to study the development of these areas and to recommend a policy that will promote the development of the entire area generally designated as the Mountain Section of North Carolina, with particular emphasis upon the development of the scenic and recreational resources of the region, and the encouragement of the location of tourist facilities along lines designed to develop to the fullest these resources in the Mountain Section. It shall confer with the various departments, agencies, commissions and officials of the

Co-operation with State and Federal officials.

Federal Government and governments of adjoining states in connection with the development of the Federal areas and projects named in this section. It shall also advise and confer with the various officials, agencies or departments of the State of North Carolina that may be directly or indirectly concerned in the development of the resources of these areas, but shall not in any manner take over or supplant these agencies in their work in this area, except in so far as expressly provided in this Act in respect to those commissions and agencies provided for in Article 6 of Chapter 113 of the General Statutes of North Carolina, as amended, or Chapter 48 of the Public Laws of 1927, as amended. It shall also advise and confer with the various interested individuals, organizations or agencies that are interested in developing this area and shall use its facilities and efforts in formulating, developing and carrying out over-all programs for the development of the area as a whole. It shall study the need for additional entrances to the Great Smoky Mountains National Park, together with the need for additional highway approaches and connections, and its findings in this connection shall be filed as recommendations with the National Park Service of the Federal Government, and the North Carolina State Highway and Public Works Commission.

Co-operation with individuals and organizations.

Special recommendations to be made.

SEC. 7. The commission to make reports. The commission shall make a biennial report to the Governor covering its work up to January 1st preceding each Session of the General Assembly. It shall also file any such suggestions or recommendations as it deems proper with the Department of Conservation and Development and the State Highway and Public Works Commission in respect to such matters as might be of interest to, or affect such department or commission.

Biennial reports to the Governor.

SEC. 8. Compensation of commissioners. The members of the commission shall receive their necessary traveling expenses incurred while attending meetings of the commission and also such additional traveling expenses in connection with the business of the commission as shall be approved by the Director of the Budget.

Compensation of Commissioners.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed; Article 6 of Chapter 113 of the General Statutes and Chapter 48 of the Public Laws of North Carolina, Session of 1927, are hereby specifically repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be effective July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 299 CHAPTER 423

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Board of Trustees of Andrews City Administrative Unit.

Authority of Board.

SECTION 1. The Board of Trustees of the Andrews City Administrative Unit shall be composed of five members, whose term shall begin the first Monday in April of the year 1947, and said board of trustees is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina.

Appointment of Trustees.

Terms of office.

Organization of Board.

Vacancy appointments.

SEC. 2. That H. M. Whitaker, J. H. Christy, L. B. Nichols, W. R. Dockery and W. A. Puett be, and they are hereby appointed trustees of the Andrews City Administrative Unit for a term of four years from and after the first Monday in April of the year 1947. The said trustees shall meet and organize on the said first Monday in April, 1947, or as soon thereafter as possible and shall proceed to perform the duties now vested in trustees for administrative units. All vacancies occurring on said board of trustees by reason of death, resignation, or failure to qualify under this Act during said term shall be filled by the State Board of Education or its successors in office.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 258 CHAPTER 424

AN ACT RELATIVE TO THE APPOINTMENT OF A BOARD OF TAX SUPERVISION OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 273, Public-Local Laws, 1937, amended.

SECTION 1. Section 6 of Chapter 273 of the Public-Local Laws of 1937, as amended, is hereby amended to read as follows:

SEC. 6. Said Board of Tax Supervision for Buncombe County shall consist of three members, and Rupert J. Crowell is hereby appointed as Chairman and Tax Supervisor, and William G. Adams and Frank Buckner are hereby appointed as members of said Board of Tax Supervision. The terms of office of the incumbent members of this board shall expire, and the terms of office of the members of the board named in the first sentence of this Section shall begin, on the tenth day after the date on which this Act is ratified, and the members named herein shall each hold office as such until the first Monday in March, 1949, or until their successors are duly appointed, and qualified, as provided by law. Beginning on the first Monday in March, 1949, the members of the Board of Tax Supervision of Buncombe County shall be appointed by the Chairman of the Board of Commissioners of Buncombe County and the City Manager of the City of Asheville and in case they fail to agree as to the appointment of any members of said board, the Chairman of the Board of County Commissioners and the City Manager of the City of Asheville shall agree on a third person, who shall be a citizen and resident of Buncombe County, to act as the third member to cast the deciding vote in such case or cases to select such appointee and/or replacement to said board of tax supervision. Otherwise, in case of a vacancy on said board at any time, for any reason whatsoever, the vacancy shall be filled in the same manner as is provided for the appointment of successors to the members of the board named in this Section. Beginning on the first Monday in March, 1949, the chairman and tax supervisor and the members of said board shall hold office at the pleasure of the city manager and the chairman of the board of county commissioners.

Appointment of Board of Tax Supervision, Buncombe County.

Terms of office.

Subsequent appointments by Chairman of County Commissioners and Asheville City Manager.

Vacancy appointments.

Terms at pleasure of City Manager and Chairman of County Board.

The chairman and tax supervisor shall devote his full time to the duties of his office, and his salary shall be forty-two hundred dollars ($4200.00) per annum. The members of said board shall receive ten dollars ($10.00) per diem, for each meeting attended, not to exceed a maximum of three hundred dollars ($300.00) per annum; said remuneration shall be paid monthly.

Compensation of Chairman and Tax Supervisor.

Compensation of members of Board.

SEC. 2. All laws and clauses of laws in conflict with this Ace are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 431 **CHAPTER 425**

AN ACT TO AMEND CHAPTER 224, PRIVATE LAWS OF 1927 AND CHAPTER 197, PRIVATE LAWS OF 1929 CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS, TO CONDEMN NECESSARY LANDS THEREFOR, PRESCRIBING THE PROCEDURE FOR MAKING SUCH IMPROVEMENTS AND FOR SUCH CONDEMNATION, AND PROVIDING FOR THE ASSESSMENT OF ALL OR A PART OF THE COST THEREOF, BY ADDING THE CITY OF DURHAM THERETO.

The General Assembly of North Carolina do enact:

Ch. 224, Private Laws, 1927, amended to confer power on City of Durham to make certain local improvements.

SECTION 1. That Chapter 224, Private Laws of 1927 be, and the same is hereby amended by striking out the period at the end of Section 30 thereof, as amended, substituting a comma therefor, and adding after such comma the words "and Durham."

Ch. 197, Private Laws, 1929, amended to confer power on City of Durham to make certain street improvements.

SEC. 2. That Chapter 197, Private Laws of 1929 be, and the same is hereby amended by striking out the period at the end of Section 61 thereof, as amended, substituting a comma therefor, and adding after such comma the words "and Durham."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 490 **CHAPTER 426**

AN ACT TO CREATE A RECREATION AND PARK COMMISSION FOR THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

Recreation and Park Commission, Town of Benson.

SECTION 1. There is hereby created a Recreation and Park Commission for the Town of Benson in Johnston County, which commission shall consist of five members who shall be appointed by the Governing Board of the Town of Benson.

Appointment of members.

Terms of members.

Two members of the commission shall be appointed to serve original terms of two years each, two members of the commission shall be appointed to serve original terms of three

years each, and one member of the commission shall be appointed to serve an original term of four years. Upon the expiration of the original terms, all subsequent appointments shall be for four-year terms.

The members of the recreation and park commission shall serve without compensation.

Members to serve without compensation.

SEC. 2. Subject to the approval of the Governing Board of the Town of Benson, the recreation and park commission is authorized and empowered to receive gifts, contributions and donations in the interest of a program of public recreation; and subject to the approval of said governing board, to do all things necessary and proper to advance the cause of wholesome public recreation in the Town of Benson, including the beautification and improvement of public parks and playgrounds.

Powers of Commission.

SEC. 3. The Governing Board of the Town of Benson is hereby authorized and empowered to convey to the Recreation and Park Commission of the Town of Benson all of the town's right, title and interest in and to that plot of land situate on the south side of East Main Street in the Town of Benson in the County of Johnston, the same being known as "Benson Grove," and constituting an entire city block, and being bounded on the north by Main Street, on the east by Lee Street, on the south by Parrish Drive, and on the west by Johnson Street; the said property to be held by the Recreation and Park Commission of the Town of Benson as a permanent public trust, without the power of alienation, to be used as a public recreation ground, park and convention site, and to be dedicated and known as "Benson Memorial Park."

Conveyance of certain property to Commission by Town Governing Board.

Description of property.

Use of property for recreational purposes.

Benson Memorial Park.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 506 CHAPTER 427

AN ACT TO AMEND SECTION 6-37 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO COSTS IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

G. S., 6-37, relating to liability of county for costs in criminal actions, amended to apply to Sampson County.

SECTION 1. That Section 6-37 of the General Statutes of North Carolina be and the same is hereby amended by striking out the word "county" in the ninth from the last line of said Section and inserting in lieu thereof the words "and Sampson Counties."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 513 CHAPTER 428

AN ACT TO AMEND SECTION 160-173 OF THE GENERAL STATUTES RELATING TO ZONING REGULATIONS OF MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S., 160-173, relating to zoning regulations of municipalities, amended as to Town of Asheboro.

SECTION 1. Section 160-173 of the General Statutes is hereby amended by adding at the end thereof the following:

That portion of Section 160-173 of the General Statutes appearing after the word "districts" in line 11 shall not apply to the Town of Asheboro, County of Randolph.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 575 **CHAPTER 429**

AN ACT TO AMEND CHAPTER 697 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATING TO THE COUNTY COURT OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 697, Public-Local Laws, 1913, amended, as to procedure in civil cases, Wayne County Court.

SECTION 1. That Section 8 of Chapter 697 of the Public-Local Laws of 1913 be, and the same is hereby, amended to read as follows:

All civil actions shall be commenced by summons running in the name of the State and issued by the clerk of said court and returnable as is provided by law for summons in the Superior Court. All pleadings and motions shall be filed in the same manner and within the time limits prescribed for similar pleadings and motions in the Superior Court: *Provided,* however, that written pleadings shall not be required in matters within the jurisdiction of a Justice of the Peace.

Chapter further amended to restrict the practice of law by judge.

SEC. 2. That Section 24 of Chapter 697 of the Public-Local Laws of 1913 be, and the same is hereby, amended to read as follows:

The judge of said court shall be prohibited from practicing law in other courts with respect to litigation within the jurisdiction of his court, or connected with or growing out of some cause heard or pending therein. Except as herein provided, said judge shall not be prohibited from practicing law in other courts.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 578 **CHAPTER 430**

AN ACT TO AMEND CHAPTER 450 OF THE SESSION LAWS OF 1945 RELATING TO THE OFFICE OF COUNTY ACCOUNTANT IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 450, Session Laws, 1945, amended.

SECTION 1. That Section 5 of Chapter 450 of the Session Laws of 1945 be, and the same is hereby, amended by adding at the end of said Section a new paragraph to read as follows:

Attendance at office of County Accountant, Currituck County.

The county accountant shall not be required to remain in his or her office for the necessary performance of his or her duties for more than one day in any one week.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 617 CHAPTER 431

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Reelection of member of Board of Water Commissioners, City of Hendersonville.

SECTION 1. That pursuant to provisions contained in Chapter 113, pages 150 to 159 of the Public-Local and Private Laws, entitled "An Act to Amend the Charter of the City of Hendersonville" ratified December 19th, 1921, Z. C. Byers be, and he is hereby, re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was duly elected by the North Carolina Legislature, all as provided in the above mentioned Act.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 638 **CHAPTER 432**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF ENFIELD TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Traffic Bureau, Town of Enfield, authorized.

SECTION 1. The governing body of the Town of Enfield may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

Violations under jurisdiction of Bureau.

Parking within fifteen feet of a fire hydrant
Illegal use of loading zones, bus stops and taxi stands
Double parking
Disregard of stop sign
Obstructing traffic
Other violations of traffic ordinances enumerated in such ordinance.

Settlement of cases before issuance of warrant.

SEC. 2. Any person, firm or corporation receiving citations for the above offenses may before warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

All offenses listed above, one dollar ($1.00), first offense; two dollars ($2.00), second offense.

For the third offense in any twelve months period warrant shall be issued.

Settlement of cases upon appearance before Bureau.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Enfield to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations; *provided* that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued and the person so charged with such violation or violations shall be tried upon such warrant in the Mayor's Court of Enfield.

Trials upon warrants issued in mayor's court.

No State tax paid.

SEC. 4. No state tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

Personnel of Bureau.

SEC. 5. The mayor shall designate a sufficient number of persons to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any reasonable time and pay the costs provided in this Act.

Payment of collected costs to general fund.

SEC. 6. All costs collected in the traffic bureau shall be paid to the general fund of the town.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 654 **CHAPTER 433**

AN ACT TO REPEAL CHAPTER 337 OF THE SESSION LAWS OF 1943 AND TO AMEND SECTION 4 OF CHAPTER 409 OF THE PUBLIC LAWS OF 1935 RELATING TO DUTIES OF THE TAX SUPERVISOR AND COLLECTOR FOR AVERY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 337, Session Laws, 1945, repealed.

SECTION 1. That Chapter 337 of the Session Laws of 1943 be, and the same is hereby, repealed.

Ch. 409, Public-Local Laws, 1935, amended.

SEC. 2. That Section 4 of Chapter 409 of the Public-Local Laws of 1935 is hereby repealed and a new Section 4 is hereby enacted, to read as follows:

Duties of Tax Collector and Tax Supervisor, Avery County.

SEC. 4. The tax collector and tax supervisor shall make four trips to each voting precinct in the county each year for the purpose of collecting any and all taxes due the county, and is authorized to accept and receive part payments and issue receipt therefor. He shall exercise and exhaust all legal remedies to collect taxes out of the personal property of the taxpayer before resorting to sale of such taxpayer's real estate: *Provided, however,* that his failure so to do shall not invalidate the tax sale of said real estate. The said tax supervisor and tax collector shall receive as his compensation for the duties imposed upon him by the provisions of Chapter 409 of the Public-Local Laws of 1935 and the duties herein imposed, two per cent (2%) of all taxes collected by him, except that the

Compensation of Tax Supervisor and Tax Collector.

sale fee prescribed in Subsection (f) of Section 105-387 of the General Statutes of North Carolina shall be paid to him for his expenses if he collects the delinquent tax, for and on behalf of Avery County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 668 **CHAPTER 434**

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY TO EMPLOY THE NECESSARY CLERICAL ASSISTANTS FOR THE SHERIFF, CLERK OF THE SUPERIOR COURT, AND REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Dare County is authorized to employ such clerical or stenographic personnel as it may consider necessary to enable the Clerk of the Superior Court, the sheriff, and the register of deeds of the county to efficiently conduct the affairs of their office. The board of county commissioners may fix the compensation of such clerical personnel. Stenographic personnel authorized for certain officials, Dare County. Compensation of such personnel.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 674 **CHAPTER 435**

AN ACT TO AMEND CHAPTER 447 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO A PERMANENT SYSTEM OF LISTING REAL PROPERTY IN MECKLENBURG COUNTY AND RELATING TO THE RELEASE OF REAL PROPERTY FROM THE LIEN OF TAXES LEVIED THEREON IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Ch. 447, Public-Local Laws, 1935, amended.

SECTION 1. That Chapter ≠ 447 of the Public-Local Laws, Session of 1935, being an Act relating to the installation of a permanent system of listing real property in Mecklenburg County, be, and the same hereby is, amended by striking out therefrom the Section numbered 3 and by inserting in lieu and stead of said Section ≠ 3 so stricken out a new Section numbered and reading as follows:

Payment of taxes on property listed as separate unit, Mecklenburg County and City of Charlotte.

SEC. 3. Where any real property is listed on the tax scroll books of Mecklenburg County and/or the City of Charlotte as a separate unit, neither the taxpayer, nor anyone claiming under him, shall be entitled to have any portion of such property so listed as a separate unit released from the lien of the taxes levied thereon for the year in question, except upon payment of all the taxes levied for such year against such property so separately listed, together with the taxes on all personal property listed with such real property.

Application of Act.

SEC. 2. That the provisions of this act shall apply only to Mecklenburg County and the City of Charlotte, North Carolina.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 4. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 676 **CHAPTER 436**

AN ACT TO ENABLE THE CITY OF GOLDSBORO TO CONVEY TO THE UNITED STATES OF AMERICA THE GOLDSBORO MUNICIPAL AIRPORT HERETOFORE LEASED AND USED AS A PART OF SEYMOUR JOHNSON FIELD.

The General Assembly of North Carolina do enact:

City of Goldsboro, authorized to convey municipal airport to U. S. A.

SECTION 1. That the City of Goldsboro be and it is hereby authorized and empowered, in its discretion, and upon such terms and conditions as it may deem proper, either with or without compensation, to convey by proper legal instrument to the United States of America that tract of land situated in New Hope Township, Wayne County, North Carolina, heretofore acquired by the city for use as the Goldsboro Municipal Airport and leased by the said city to the United States of America as a part of Seymour Johnson Field, together with all improvements of every kind and description situated upon the said lands.

Authority to act vested in Board of Aldermen.

SEC. 2. That the Board of Aldermen of the City of Goldsboro is hereby authorized and empowered to act, in its discretion, upon behalf of the City of Goldsboro to carry out the purposes and intent of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 677 **CHAPTER 437**

AN ACT TO AMEND CHAPTER 275 OF THE PRIVATE LAWS OF 1854-55, AS AMENDED BY CHAPTER 201 OF THE PRIVATE LAWS OF 1927, RELATING TO THE CHARTER OF THE TOWN OF WHITE HALL, IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 201, Private Laws, 1927, amended.

SECTION 1. That Section 2 (b) of Chapter 275 of the Private Laws of 1854-55, appearing in Section 3 of Chapter 201 of the Private Laws of 1927, be, and the same is hereby, amended by striking out in lines six, seven, eight, and nine of said Section

the words "and that until said election is held the present officials, to-wit: Damon Sutton, Mayor, L. H. Price and W. E. Bizzell, and Joe Whitfield," and inserting in lieu thereof the following:

Officials of Town of White Hall, Wayne County.

and until the election to be held on the first Monday in May, 1947, the following persons shall serve as town officials, to-wit: F. R. Jarmon, Mayor, L. H. Price, G. A. Gurley and C. B. Dale.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 682 **CHAPTER 438**

AN ACT DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO ASSIGN THE DUTIES OF TAX SUPERVISOR TO A NON-ELECTIVE EMPLOYEE OF THE COUNTY.

The General Assembly of North Carolina do enact:

Assignment of duties of Tax Supervisor, Johnston County, to a non-elective employee of county.

Duties as tax supervisor specifically assigned.

SECTION 1. The Board of County Commissioners of Johnston County is hereby authorized and directed to assign to some person employed by the County of Johnston through its board of county commissioners, such person in no case to be an elective official of the County of Johnston, the general powers and duties of tax supervisor, including specifically the listing of taxes, the preparation of abstracts, reports, scrolls and receipts, together with the preparation and keeping of all necessary tax lists and records, and the receiving of prepayment of tax accounts. The assignment of the duties of tax supervisor provided herein shall be made on or before December 1st, 1947.

Compensation of employee as Tax Supervisor.

Salary of County Auditor not affected.

SEC. 2. Any appointive official or employee performing the duties assigned under the provisions of this Act shall receive such compensation and expense allowances as the Board of County Commissioners of Johnston County may deem commensurate with such duties. Nothing contained in this Act shall be construed to affect the salary of the Auditor of Johnston County.

SEC. 3. It is the intent of this Act that the duties of tax supervisor as set forth in Section 1 of this Act shall in no event be assumed or performed by any elective official of Johnston County after the assignment of such duties as provided for in Section 1 of this Act. Intent of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 684 **CHAPTER 439**

AN ACT PROVIDING FOR THE NOMINATION OF SIX MEMBERS OF THE BOARD OF EDUCATION OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Beaufort County shall consist of six members, from and after the first Monday in April, 1949. There shall be nominated in the party primaries one candidate for membership on the board of education from each of the six townships in said county. The nominees from Pantego, Bath and Washington Townships, when appointed by the General Assembly as provided by G. S. 115-38, shall serve for terms of two years. The nominees from Longacre, Chocowinity and Richland Townships, when appointed by the General Assembly as provided by G. S. 115-38, shall each serve for a term of four years. Thereafter, all Members of the Board of Education of Beaufort County, when appointed, shall serve for four years. Nomination of members of Board of Education, Beaufort County. Terms of nominees.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 694 CHAPTER 440

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY TO APPROPRIATE FUNDS TO MUNICIPALITIES IN SAID COUNTY WHO HAVE QUALIFIED AND BY APPROPRIATE RESOLUTION HAVE ACCEPTED THE BENEFITS OF THE LAWS OF NORTH CAROLINA RELATING TO THE STATE VOLUNTEER FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

Appropriations by Halifax County to municipalities participating in the program of the State Volunteer Fire Department.

SECTION 1. The Board of County Commissioners of Halifax County be, and they are hereby, authorized and directed to appropriate from any unappropriated funds belonging to said county the sum of four hundred dollars ($400.00) annually to each of the municipalities in said county which have qualified by appropriate resolution and have accepted the benefits of the laws of North Carolina relating to the State Volunteer Fire Department created under the provisions of Article 3, Chapter 69 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H B. 696 CHAPTER 441

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LAURINBURG TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Traffic Bureau, Town of Laurinburg, authorized.

SECTION 1. That the Board of Commissioners of the Town of Laurinburg may, by ordinance, provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

Violations under jurisdiction of Bureau.

1. Parking over the allowed time in parking meter zones.
2. Parking over the allowed time in restricted areas.
3. Parking between twelve o'clock midnight to six A. M.

4. Parking more than twelve inches from the curb.
5. Parking within fifteen feet of a fire hydrant, or within prohibited zones.
6. Parking in a non-parking space.
7. Illegal use of loading zones, bus stops and taxi stands.
8. Parking trucks on prohibited streets.
9. Parking at entrance of alley or driveway.
10. Parking left side of curb.
11. Double parking.
12. Not displaying proper lights.
13. Making U turn or right turn.
14. Disregarding of stop signs.
15. Not displaying town license.
16. Obstructing traffic.
17. Violating speed limit.

Penalties for violations.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses pay through the traffic bureau the following amounts as partial payment of the court costs for such violations:

All offenses listed above, one dollar ($1.00), except violating speed limit. For violating the speed limit, five dollars ($5.00) first offense, ten dollars ($10.00) second offense. For the third offense in any twelve-month period, warrant shall be issued.

Procedure before Bureau.

SEC. 3. That any person, firm or corporation cited by the police officers of the Town of Laurinburg to appear before such traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in Section 2 of this Act as a partial payment of court costs for such violation or violations: *Provided*, that such traffic bureau shall not accept a plea of guilty to violation of speed limit by the same person more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations, shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the Town of Laurinburg and the person so charged with such violation shall be tried upon such warrant in the Scotland County Criminal Court or the Mayor's Court of the Town of Laurinburg.

Trial of violators who fail to enter plea before Bureau.

Payment of State tax.

SEC. 4. That no State tax shall be paid to the State of North Carolina in such cases, except where a warrant is issued and the case is tried in the courts referred to in Section 3 of this Act.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 21st day of March, 1947.

H. B. 698 **CHAPTER 442**

AN ACT REQUIRING THE SALE OF ALL REAL PROPERTY OWNED BY THE COUNTY NOT BEING USED FOR GOVERNMENTAL PURPOSES.

The General Assembly of North Carolina do enact:

Survey and listing of properties owned by Dare County authorized.

SECTION 1. The Board of County Commissioners of Dare County is authorized and directed to make a thorough listing and survey of all properties now owned by it, whether acquired by purchase or by tax foreclosure proceedings, and to post a list of such properties on the bulletin board at the courthouse door. The board of county commissioners shall notify the taxpayer under whose tax certificate any property was acquired by tax foreclosure proceedings that he may redeem such property within thirty (30) days from the date of the receipt of such notice by paying to the county a sum equal to the amount of taxes due thereon at the time of foreclosure, plus a sum equal to the amount of taxes the taxpayer would have owed if said property had been listed for taxes during the time between the acquisition of the property by the county and the date of its redemption, plus any penalties and cost accrued thereon.

Procedure for redemption of tax foreclosed property by taxpayer.

Sale of property not used for governmental purposes authorized.

Notice of sale.

SEC. 2. All real property owned by the county as of July 1st, 1947, and not used for governmental purposes, shall be offered for sale at public auction to the highest bidder for cash at the courthouse door after giving thirty (30) days notice of such sale by running a notice of sale in a newspaper published in the county once a week for four consecutive weeks and by posting a notice thereof at the courthouse door for thirty (30) days immediately preceding said sale, and in such notice, the time, place, and terms of sale shall be stated. At said sale the board of county commissioners shall have the right to reject any and all bids because of inadequacy of price or for other good cause. All real property not disposed of before Oct. 1st, 1947, shall again be offered for sale on the first Monday in November, 1947, said sale to be conducted in the same manner as the first sale herein authorized.

Power of county commissioners to reject bids.

Resale of property not disposed of before Oct. 1, 1947.

SEC. 3. The county board of commissioners shall immediately take possession of all the lands and property hereafter acquired under tax foreclosure proceedings and shall require the payment of rent for the occupancy and use of such property after the date of acquisition by the county. Such property shall be disposed of at the earliest possible date after its acquisition, either at public or private sale at a price considered fair and adequate by the board of county commissioners.

Procedure for handling properties hereafter acquired under tax foreclosure proceedings.

SEC. 4. The sales of property herein authorized and the collection of rents shall be under the supervision of the tax supervisor of the county.

Sales and collection of rents under supervision of tax supervisor.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 701 **CHAPTER 443**

AN ACT TO AMEND CHAPTER 545 OF THE SESSION LAWS OF 1943 RELATING TO THE PAYMENT OF DAMAGES DONE BY DOGS AND TO MAKE PROVISION FOR SUCH PAYMENT IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 545 of the Session Laws of 1943 is amended by adding at the end thereof the following:

Ch. 545, Session Laws, 1943, amended.

Provided, the Board of County Commissioners of Warren County may transfer any portion of said fund in excess of one thousand dollars ($1,000.00) to the county general fund and be expended as other general county funds.

Transfer of portion of special dog tax fund to general fund, Warren County, authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 709 **CHAPTER 444**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CABARRUS COUNTY TO PAY THE SHERIFF ADDITIONAL TRAVEL EXPENSE.

The General Assembly of North Carolina do enact:

Additional compensation to Sheriff, Cabarrus County as expense allowance.

SECTION 1. The County Commissioners of Cabarrus County are hereby authorized to pay the sheriff, in addition to his present compensation, an amount not in excess of thirteen hundred dollars ($1,300.00) per year as an expense allowance for the operation by him or his deputies of automobiles necessarily used in the performance of his or their duties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 653 **CHAPTER 445**

AN ACT TO AMEND HOUSE BILL NO. 31, RATIFIED THE THIRTY-FIRST DAY OF JANUARY, 1947, RELATING TO THE PUNISHMENT OF PUBLIC DRUNKENNESS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 12, Session Laws, 1947, amended.

SECTION 1. That Subsections a, b and c of Section 2 of House Bill No. 31 ratified on the thirty-first day of January, 1947, are hereby amended to read as follows:

Punishment for public drunkenness, Avery County.

(a) For the first offense, a fine of not less than ten dollars ($10.00) nor more than twenty dollars ($20.00), or imprisonment for not less than twenty days.

(b) For the second offense a fine of not less than twenty dollars ($20.00) nor more than thirty dollars ($30.00), or imprisonment for not less than thirty days.

(c) For a third or subsequent offense a fine of not less than forty dollars ($40.00) nor more than fifty dollars ($50.00), or imprisonment for not less than thirty days.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 639 **CHAPTER 446**

AN ACT RELATING TO COURT COSTS IN THE MAYOR'S COURT OF THE TOWN OF ENFIELD IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In every criminal action tried in the Mayor's Court of the Town of Enfield of which action the mayor's court has final jurisdiction, an additional sum of two dollars ($2.00) shall be taxed as part of the costs in every case in which the defendant or prosecuting witness or prosecutor is ordered to pay the costs, which said two dollars ($2.00), to be known as the patrol car fee, shall be paid into the general fund of the Town of Enfield, and shall be used to assist in defraying the expense of operating a police patrol car by said town to apprehend criminals and for the general protection of the citizens. Assessment of patrol car fee, as part of costs, Mayor's Court, Town of Enfield.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective thirty days after its ratification. Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 614 **CHAPTER 447**

AN ACT TO REVIVE CHAPTER XXXV LAWS OF NORTH CAROLINA OF 1788, ENTITLED AN ACT TO INCORPORATE THE RICHMOND ACADEMY IN THE TOWN OF ROCKINGHAM, AS AMENDED AND REVIVED BY CHAPTER CX PUBLIC AND PRIVATE LAWS OF 1846-7, AND AS FURTHER AMENDED BY CHAPTER 151 PRIVATE LAWS OF 1883, AND TO APPOINT TRUSTEES FOR SAID ACADEMY, AND FOR OTHER PURPOSES.

WHEREAS, by length of time, none-user, death or resignation of the trustees, the before mentioned Act has become obsolete and ceased to have effect: *Now, therefore,*

The General Assembly of North Carolina do enact:

Richmond Academy, Town of Rockingham, re-established.

SECTION 1. From and after the passage of this Act Chapter XXXV Laws of North Carolina of 1788, entitled "An Act to Incorporate the Richmond Academy in the Town of Rockingham," as amended and revived by Chapter CX, Public and Private Laws of 1846-7, and as further amended by Chapter 151, Private Laws of 1883, and to appoint trustees for said Academy, and for other purposes, and all other amendments thereto be, and the same are hereby declared to be in all respects revived.

Trustees of Academy appointed.

Thomas H. Leath, E. B. Liles, W. A. Vick, A. C. Corpening, W. E. Covington, Jay Helms and Julius C. Covington, be, and the same are hereby constituted and appointed trustees for the before named Academy. The said trustees shall have all the powers and authorities which were vested in the original board of trustees by the before mentioned Acts.

Authorized to transfer property to Trustees, Rockingham Graded Schools.

SEC. 2. The aforesaid Board of Trustees for the Richmond Academy be, and they are hereby authorized and empowered to convey all the rights, title and interest in any property owned by the said Academy to the Trustees of the Rockingham Graded Schools in full discharge of all of the trusts imposed upon said trustees of said Academy with respect to such property.

Trustees, Rockingham Graded Schools, authorized to sell properties.

SEC. 3. The Board of Trustees of the Rockingham Graded Schools be, and they are hereby authorized and empowered to sell and convey, at either private or public sale, any property now owned by the Rockingham Graded Schools, or that may hereafter be acquired by said schools, and use and invest the proceeds from said sale in other property for school purposes.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws, in conflict with the provisions of this Act, be, and the same are hereby repealed.

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

H. B. 651 CHAPTER 448

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Coroner, Caldwell County.

SECTION 1. The Coroner of Caldwell County, in full compensation for the performance of his official duties, shall, from and after July 1st, 1947, receive the following fees, and none other:

For each inquest held $25.00
For each death certificate executed $15.00

Compensation of Clerk Superior Court as Clerk of Recorder's Court.

SEC. 2. The Clerk of the Superior Court of Caldwell County, in addition to all other compensation and allowances provided by law, shall receive for serving as Clerk of the Recorders Court of Caldwell County at Lenoir a monthly salary of one hundred dollars ($100.00), payable out of general county funds, the first such payment to be due and payable August 1st, 1947.

Appropriation to office of Clerk Superior Court for assistants.

There shall also be appropriated annually for each fiscal year, out of general county funds, a sum to be made available to the Office of the Clerk of Superior Court of Caldwell County, to be used in payment of the salaries of Assistant and Deputy Clerks of the Superior Court or clerical or secretarial assistants, in an aggregate amount of three hundred ($300.00) per month.

Compensation of Judge of Recorder's Court.

SEC. 3. The Judge of the Recorders Court of Caldwell County at Lenoir, in full compensation for his services as such, shall be paid out of general county funds a salary of two hundred twenty-five dollars ($225.00) per month, beginning with the month of July, 1947.

Compensation of Solicitor of Recorder's Court.

SEC. 4. The Solicitor of the Recorders Court of Caldwell County at Lenoir, in full compensation for his services as such, shall be paid a salary of two hundred dollars ($200.00) per month, beginning with the month of July, 1947.

Rewards for seizure of liquor stills.

SEC. 5. The Board of County Commissioners of Caldwell County shall pay out of general county funds the sum of fifteen dollars ($15.00) to the county officer or officers seizing and confiscating any liquor still in Caldwell County after July 1st,

1947, and in case such seizure and confiscation is actively participated in by two or more such officers the fifteen dollar ($15.00) payment shall be distributed equally among such participants. The payment provided in this Section shall not be dependent upon the arrest or conviction of any person.

Appropriation for salaries of Deputy Sheriffs.

SEC. 6. The board of county commissioners shall appropriate annually out of general county funds for the use of the sheriff's office an amount sufficient to pay the salaries of the chief deputy sheriff and at least two full time deputy sheriffs, beginning July 1st, 1947, the salary of such chief deputy to be at least two hundred dollars ($200.00) per month and that of each additional deputy to be at least one hundred seventy-five dollars ($175.00) per month.

Appropriation for operation and maintenance of automobiles for Sheriff and Deputies.

In addition to the salaries paid the sheriff, the chief deputy and the additional deputy sheriffs, the board of county commissioners shall appropriate out of general county funds for the use of the sheriff, the chief deputy sheriff and the additional deputy sheriffs, the sum of at least fifty dollars ($50.00) per month each, beginning July 1st, 1947, for the purpose of meeting a portion of the cost of operation, repair and maintenance of an automobile for each such officer.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 8. This Act shall be effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 21st day of March, 1947.

S. B. 207 CHAPTER 449

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF DAVIDSON FOR THE ISSUANCE OF CERTAIN BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Proceedings for issuance of water and sewer bonds, Town of Davidson, validated.

SECTION 1. That all acts and proceedings, including the election proceedings, heretofore taken for the issuance of twenty-five thousand dollars ($25,000.00) water bonds and seventy-five thousand dollars ($75,000.00) sanitary sewer bonds of the Town of Davidson, in Mecklenburg County, North Carolina, which were authorized by two separate ordinances, each of which was approved by the vote of a majority of the qualified voters of said town voting thereon at an election held on June

11th, 1946, are hereby ratified and validated, and that when the bonds authorized by one or both of said ordinances shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Davidson, and, as required by The Municipal Finance Act, 1921, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal of and interest on said bonds as such principal and interest become due.

Bonds validated.

Tax levy for payment of bonds and interest.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

S. B. 214 CHAPTER 450

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF BELMONT TO ACCEPT THE GIFT OF $50,000.00 MADE BY MINNIE STOWE PUETT, DECEASED, SUBJECT TO THE RESULT OF AN ELECTION BY THE PEOPLE OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the City of Belmont, in Gaston County, North Carolina, is hereby authorized and empowered to accept the gift made by Minnie Stowe Puett in her last will and testament, dated the 21st day of July, 1944, and the codicil to her said will, dated the 29th day of September, 1944, in the sum of fifty thousand dollars ($50,000.00) to be used in the purchase of a site and the erection, equipment and furnishing thereon of a public library building in the City of Belmont, Gaston County, North Carolina, and in the purchase of books for use therein; and by the acceptance of said gift, the City of Belmont is hereby authorized and empowered to provide for the perpetual maintenance and operation thereof by the city as a public library for the citizens of said city. The said city is authorized and empowered to create a board, to consist of a chairman and four members, to be known as the Belmont Library Commission, which commission shall have charge of the said library and shall handle the same as an

City of Belmont empowered to accept bequest of Minnie Stowe Puett, deceased.

Use of funds for public library.

Creation of Belmont Library Commission.

Functions of Commission.

agency of said city, and the planning, erection, equipment, furnishing and operation of such public library under such rules and regulations as may from time to time be adopted by the governing body of the said city. Said building shall be constructed as required by the said will, so as to be faced with light-colored brick. The chairman and members of said commission shall be appointed each for terms of four years, or shall serve until their successors are duly elected and qualified. The members of said commission shall serve without compensation. Said library shall be known as the "Minnie Stowe Puett Public Library."

Construction of library building.

Terms of members of commission.

Service without pay.

Name of library.

Tax levy for library authorized.

SEC. 2. The Board of Commissioners of the City of Belmont is hereby authorized and empowered to levy a special tax for the support, maintenance and operation of said library, for which the special approval of the General Assembly is hereby given, the said tax not to exceed the sum of three cents (.03) on each one hundred dollars ($100.00) of taxable property of said municipality.

Limitation.

Effectiveness of Act subject to referendum.

SEC. 3. This Act shall be effective only after there has been submitted to the qualified voters of the City of Belmont the question as to whether or not the tax hereinbefore referred to shall be levied and collected in the said city, at an election to be called and held by the City of Belmont in the same manner that other municipal elections are called and held, the said board of commissioners of said city to prescribe the form of ballot to be used in said election and adopt such other rules and regulations as may be considered appropriate therefor. Said board of commissioners shall have a right, in its discretion, to order a special registration for the said election, and, if such special registration is ordered, same shall be had as provided for other special registrations in municipalities. In the event a majority of the qualified voters of said municipality shall vote in favor of the levy of said tax, then this Act and every part thereof shall be in full force and effect.

Conduct of election.

Special registration authorized.

Determination of result of election.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

S. B. 231 **CHAPTER 451**

AN ACT PROVIDING FOR AN ELECTION ON THE QUESTION OF THE LOCAL SCHOOL SUPPLEMENT TAX, LELAND SCHOOL DISTRICT, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Brunswick County Board of Education authorized to supplement school funds, Leland School District.

SECTION 1. The County Board of Education of Brunswick County, subject to the approval of the tax levying authorities of said county and of the State Board of Education, in order to operate schools of a higher standard than that provided by State support in Leland School District of Brunswick County, but in no event to provide for a term of more than 180 days, may supplement the funds from State or county allotments available to said district:

School supplement tax levy subject to election.

Provided, that before making any levy for supplementing said allotments an election shall be held in said district to determine whether there shall be levied a tax to provide said supplemental funds and to determine the maximum rate which may be levied therefor.

Prerequisite action for holding election.

Before said election can be held in such district, a petition of the district committee setting out the purposes for which said election is to be held and the maximum rate of tax which may be levied shall be approved by the county board of education, the tax levying authorities of said county, and the State Board of Education.

Conduct of election.

When such approval is had, then upon the request of the county board of education, the tax levying authorities of Brunswick County shall provide for an election under the laws governing such election as are set forth for county and city administrative unity supplementary elections in General Statutes 115-361.

Conflicting laws repealed.

SEC. 2. All law and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this 25th day of March, 1947.

S. B. 235 **CHAPTER 452**

AN ACT DESIGNATING FEES, COMMISSIONS AND COSTS TO BE COLLECTED BY THE CLERK OF SUPERIOR COURT OF BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Commissions and fees of C.S.C., Buncombe County.

SECTION 1. Fees and commissions to be charged by the Clerk of Superior Court of Buncombe County shall be those fixed by this Act; *provided, however,* that the fee or commission to be charged by the Clerk of Superior Court of Buncombe County for any service shall be that provided by the General Statutes of North Carolina if no fee or commission for such service is fixed in this Act. The provisions of the General Statutes of the State of North Carolina applicable to collection of fees and commissions by Clerks of Superior Court shall be applicable to the collection by the Clerk of Superior Court of Buncombe County of the fees and commissions fixed by this act.

General Statutes applicable as to commissions and fees not covered by this Act.

Law applicable to collections.

Gratis services specified.

SEC. 2. The Clerk of the Superior Court of Buncombe County shall charge no fee for the following:

(a) Administering oath of office to any official or employee of the State of North Carolina, of Buncombe County, or any territorial subdivision thereof, or any municipality within said county who is required by law to take such oath.

(b) Taking official bond and acknowledgments thereof, of any public official of Buncombe County or any territorial division thereof.

(c) Certificate and seal on any university or college loan fund note.

(d) Certificate and seal for admittance into State Hospital for care of tubercular patients.

"Fiduciary" defined.

SEC. 3. Definition of fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, persons or corporation administering or accountable for, as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a., d.b.n., collector, guardian, trustee, commissioner, receiver, surviving partner, or otherwise, any fund, property, trust or estate with respect to which the clerk has jurisdiction; and it also includes any person or persons or corporation whose account or accounts the clerk is authorized or directed or required, by law or any order of the Superior Court, to audit or approve.

SEC. 4. The term "copy sheet" as used in this Act shall be construed to mean 100 words. "Copy sheet" defined.

Fee Schedule: Acknowledgments.

SEC. 5. Acknowledgments, twenty-five cents (25c).

Adoption proceeding.

SEC. 6. Adoption proceeding, total clerk's fees in and for the entire proceeding to be eight dollars ($8.00), plus the fees herein provided for orders and notice in case of service of summons by publication, when used.

Affidavit.

SEC. 7. Affidavit: Administering oath and making jurat, twenty-five cents (25c):

Alien registration.

SEC. 8. Alien registration, one dollar ($1.00).

Appeal from clerk.

SEC. 9. Appeal from clerk to the judge, one dollar ($1.00).

Appeal from J. P. or any inferior court.

SEC. 10. Appeal from justice of peace or from any inferior court to the Superior Court, one dollar and twenty-five cents ($1.25).

Appointment of fiduciaries:

SEC. 11. Appointment of fiduciaries:

Executors.

(a) Executors: Application, oath, docketing, indexing and issuing Letters Testamentary in duplicate, two dollars and fifty cents ($2.50).

Administrators.

(b) Administrators: Application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

Collectors.

(c) Collectors: Application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

Guardians.

(d) Guardians: Application, oath, docketing, taking bond and justification, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

Approval of bond.

SEC. 12. Approval of bond, with or without seal, one dollar ($1.00).

Attachment order.

SEC. 13. Attachment order, fifty cents (50c).

Auditing final accounts of fiduciaries.

SEC. 14. Auditing and recording final account of commissioner or other fiduciary appointed by the judge or clerk to sell real estate: One-fourth of one per cent on first thousand, plus one-twentieth of one per cent on the balance, the commission in any one case not to exceed twenty-five dollars ($25.00).

Capias.

SEC. 15. Capias, each defendant, one dollar ($1.00).

Caveat to will.

SEC. 16. Caveat to will, costs computed as in other civil actions.

Certificate.

SEC. 17. Certificate, twenty-five cents (25c).

Dissolution or domestication certificates.

SEC. 18. Certificate of dissolution or domestication, recording and indexing, one dollar ($1.00).

Proceeding for change of name.

SEC. 19. Change of name: Entire proceeding before the clerk and certificate as to change, with seal, eight dollars ($8.00).

Issuance of commission.

SEC. 20. Commmission, including but not limited to commission to take deposition, with seal, one dollar ($1.00).

Competency proceeding.

SEC. 21. Competency proceeding:

(a) Proceeding to declare persons incompetent, total clerk's fees in and for the entire proceeding to be ten dollars ($10.00).

(b) Proceeding to declare person competent, total clerk's fees in and for the entire proceeding to be ten dollars ($10.00).

Confession of judgment.

SEC. 22. Confession of judgment, total clerk's fees in and for the entire proceeding to be three dollars ($3.00).

Confirmation of clerk's order or judgment.

SEC. 23. Confirmation or approval of clerk's order or judgment by the judge, fifty cents (50c).

Confirmation of sale.

SEC. 24. Confirmation of sale, whether signed by judge or clerk, one dollar ($1.00).

Continuance.

SEC. 25. Continuance: In civil cases, fifty cents (50c); in criminal cases, thirty cents (30c) for each defendant.

Copying records.

SEC. 26. Copying record or paper on file, fifteen cents (15c) per copy sheet.

Copy of summons.

SEC. 27. Copy of summons, twenty-five cents (25c).

Cross-indexing of civil or criminal judgment.

SEC. 28. Cross-indexing of judgment in civil and criminal cases, twenty-five cents (25c) for first defendant and ten cents (10c) for each additional defendant.

Cross-indexing of judgment, special proceeding.

SEC. 29. Cross-indexing judgment or confirmation in special proceeding, twenty-five cents (25c) for first defendant and ten cents (10c) for each additional defendant.

Acknowledgement of deed of separation.

SEC. 30. Deed of separation, taking acknowledgment of husband and wife, with special examination of wife, with or without seal, one dollar ($1.00).

Fees in divorce actions.

SEC. 31. Divorce actions, where no answer is filed, eight dollars ($8.00), plus process tax of two dollars ($2.00) and jury tax of five dollars ($5.00); stenographer's fee of four dollars ($4.00); and no other fees shall be charged under this Act, and no fee shall be charged for first certified copy of the judgment.

SEC. 32. Docketing indictment, one dollar ($1.00) for each defendant in bill. Docketing indictment.

SEC. 33. Docketing judgment in civil or criminal case, fifty cents (50c). Docketing judgment.

SEC. 34. Docketing summons, fifty cents (50c). Docketing summons.

SEC. 35. Docketing and indexing sheriff's levy, one dollar and fifty cents ($1.50). Docketing, indexing sheriff's levy.

SEC. 36. Docketing petition in ex parte proceeding, one dollar ($1.00). Docketing petition.

SEC. 37. Examination of insane person, two dollars ($2.00). Examination of insane person.

SEC. 38. Execution against person and docketing the return, one dollar ($1.00). Execution against person.

SEC. 39. Execution against specific property and docketing the return, one dollar ($1.00). Execution against specific property.

SEC. 40. Execution on money judgment and docketing the return, one dollar ($1.00). Execution on money judgment.

SEC. 41. Execution for possession of property and docketing the return, one dollar ($1.00). Execution for possession of property.

SEC. 42. Fees for auditing final account of receiver, executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a. d.b.n., collector, guardian, trustee or other fiduciary, except when otherwise specifically provided in this Act, shall be calculated upon the total amount of both receipts and disbursements upon which the fiduciary is entitled to commissions and shall be at the following rates: Fees for auditing final accounts.

On the first five thousand dollars ($5,000.00) or any part thereof, one-fifth of one per cent; on the next ten thousand dollars ($10,000.00) or any part thereof, one-tenth of one per cent; on the next twenty thousand dollars ($20,000.00) or any part thereof, one-twentieth of one per cent; on the next forty thousand dollars ($40,000.00) or any part thereof, one-fortieth of one per cent; on the excess, one-eightieth of one per cent; *provided* the minimum fee shall be five dollars ($5.00). Schedule of rates.

SEC. 43. Filing, recording and indexing accounts of fiduciary. The following fees shall be collected by the Clerk of the Superior Court for filing, recording and indexing annual, final and other accounts of executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a. d.b.n., collector, guardian, surviving partner, trustee, receiver or other fiduciary. Fees for filing, recording and indexing accounts of fiduciaries.

Schedule of rates.

(a) If amount reported as receipts does not exceed three hundred dollars ($300.00), one dollar ($1.00).

(b) If over three hundred dollars ($300.00) and not exceeding one thousand dollars ($1,000.00), one dollar and fifty cents ($1.50).

(c) If over one thousand dollars ($1,000.00) and not exceeding ten thousand dollars ($10,000.00), two dollars and fifty cents ($2.50).

(d) If over ten thousand dollars ($10,000.00) and not exceeding twenty thousand dollars ($20,000.00), three dollars and fifty cents ($3.50).

(e) If over twenty thousand dollars ($20,000.00), five dollars ($5.00).

The amount of receipts brought forward from former reports shall be excluded in calculating the aforementioned fees.

Filing and indexing bond of commercial college or business school.

SEC. 44. Filing and indexing bond required of commercial college or business school and notice of approval to State Board of Education, two dollars ($2.00).

Filing and indexing fiduciary's inventory.

SEC. 45. Filing and indexing fiduciary's inventory, one dollar ($1.00). In addition thereto, fifteen cents (15c) for each copy sheet or fraction for recording.

Filing papers.

SEC. 46. Filing papers, each case, twenty-five cents (25c).

Filing motions.

SEC. 47. Filing written motions, fifty cents (50c).

Filing criminal judgment.

SEC. 48. Final judgment in criminal cases, one dollar ($1.00) for each defendant.

Fees involved in foreclosures of mortgages and deeds of trust.

SEC. 49. Foreclosure of deed of trust, mortgage deed or other instrument under power of sale: Docketing fee, two dollars and forty cents ($2.40), to be collected upon the filing with the clerk of the first paper relative to such foreclosure, and an additional fee, to be collected at the time final report of receipts and disbursements is filed, of one-fourth of one per cent on first thousand of gross sales price, plus one-twentieth of one per cent on the balance thereof; and, in each case where an increased bid is filed and order of resale is entered, there shall be, in addition to the fees above prescribed in this Section, a fee for each item for which there is a fee in special proceedings and in the same amount. In no case shall the fees charged by the clerk exceed fifty dollars ($50.00).

Habeas Corpus proceeding.

SEC. 50. Habeas corpus, entire proceeding, seven dollars ($7.00).

SEC. 51. Hearing before clerk; two dollars ($2.00) for each hour or fraction thereof. Minimum fee, two dollars ($2.00). Hearing before clerk.

SEC. 52. Inebriacy proceeding, total clerk's fees in and for entire proceeding to be eight dollars ($8.00). Inebriacy proceeding.

SEC. 53. Injunction: Taking bond or undertaking and justification, one dollar ($1.00). Injunction: taking bond.

SEC. 54. Injunction order, one dollar ($1.00). Injunction order.

SEC. 55. Issuing citation, fifty cents (50c). Issuing citation.

SEC. 56. Issuing transcript, printed form seventy-five cents (75c), which includes issuance of certificate of satisfaction. Issuing transcript, printed form.

SEC. 57. Issuing transcript, irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction of a page, which includes issuance of certificate of satisfaction. Issuing transcript, irregular form.

SEC. 58. Judgment, signing of, in civil action by clerk or judge, whether interlocutory or final, one dollar ($1.00) for each defendant. Signing civil judgment.

SEC. 59. Judgment, signing of, in special proceeding by clerk or judge, whether interlocutory or final, one dollar ($1.00) regardless of number of defendants. Signing judgment in special proceeding.

SEC. 60. Judgment nisi and issuing sci fa for defaulting witness, juror or surety on bail, bond or recognizance, seven dollars ($7.00); no additional fees for recording of minutes, docketing and indexing to be charged. Judgment nisi; issuing sci fa.

SEC. 61. Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the costs shall pay a jury tax of four dollars ($4.00); in civil actions the party adjudged to pay the costs shall pay a jury tax of five dollars ($5.00); but this tax shall not be charged in any civil action unless a jury is empaneled. Jury tax.

SEC. 62. Legitimation proceeding, entire proceeding before clerk, and copy of order, seven dollars and fifty cents ($7.50). Legitimation proceeding.

SEC. 63. Letters of appointment of fiduciary: Each certified copy, with seal, fifty cents (50c). Letters of appointment.

SEC. 64. Liens. Filing, docketing and indexing, one dollar ($1.00). Liens.

SEC. 65. Limited partnership agreement, filing and indexing, two dollars ($2.00). Limited partnership agreement.

Lis Pendens.

SEC. 66. Lis pendens, docketing notice of, indexing and cancelling, seventy-five cents (75c) for first page, plus fifty cents (50c) for each additional page or fraction.

Qualifying Notary Public.

SEC. 67. Notary public, qualifying, indexing and notification to Governor, seventy-five cents (75c).

Notices.

SEC. 68. Notice, whether signed by clerk or judge, twenty-five cents (25c), plus ten cents (10c) for each person in excess of one to whom notice is to be given.

Notifying Solicitor of guardian's removal.

SEC. 69. Notifying solicitor of removal of guardian, one dollar ($1.00).

Order of arrest.

SEC. 70. Order of arrest, each defendant, one dollar ($1.00).

Order in claim and delivery.

SEC. 71. Order in claim and delivery, fifty cents (50c).

Order extending pleading time.

SEC. 72. Order extending time for pleading in civil actions and special proceedings, twenty-five cents (25c).

Miscellaneous orders.

SEC. 73. Order, not otherwise provided for, whether signed by judge or clerk, fifty cents (50c).

Other commissions collected by clerk:

SEC. 74. Other commissions to be collected by the clerk:

On fines, penalties, etc.

(a) Five per cent commission shall be allowed the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office.

On moneys of minors and others handled by clerk.

(b) In each case where money is placed in his hands by virtue of his office to be administered by him, for minor children, insane persons or inebriates, three per cent on the first five hundred dollars ($500.00) or fraction thereof, and one per cent on all in excess of five hundred dollars ($500.00).

On judgments, decrees, executions, etc.

(c) No commission shall be allowed the clerk on judgments, decrees, except as herein provided, executions, deposits under Section 45-28 of the General Statutes of North Carolina, and monies paid under condemnation proceedings; *provided, however,* that where money is paid into the clerk's office under a decree of court for the use and benefit of a wife or children, or other dependents, the clerk shall charge a commission of five per cent of all monies so received by him, but the commission on any one payment so made to him shall not exceed one dollar ($1.00). Such commissions shall be paid by the defendant to the clerk at the time each payment is made by him under a decree of court.

Commission on funds paid to clerk for a wife or children.

Partnership, assumed name certificate.

SEC. 75. Partnership or assumed name certificate, filing and indexing, seventy-five cents (75c).

SEC. 76. Permit to purchase or receive weapon, fifty cents (50c). Weapon permits.

SEC. 77. Petition and order, one dollar and fifty cents ($1.50), in addition to recording fee. Petition and order.

SEC. 78. Photographer's bond (or other bond of similar nature), filing and indexing, two dollars ($2.00). Photographer's bond.

SEC. 79. Postage, actual amount necessarily expended. Postage.

SEC. 80. Preparing bill of costs, fifty cents (50c). Preparing bill of costs.

SEC. 81. Presentment, one dollar ($1.00) for each defendant. Presentment.

SEC. 82. Privy examination before Clerk Superior Court, fifty cents (50c). Privy examination.

SEC. 83. Probate of any instrument (except will) twenty-five cents (25c). Probate fees.

SEC. 84. Probate of chattel mortgage and conditional sales agreement, twenty-five cents (25c). Probate of chattel mortgages, etc.

SEC. 85. Probate of will in common form: Taking depositions of witnesses and entering certificate of probate and recording first four sheets of will, two dollars and fifty cents ($2.50); each additional sheet or fraction, one dollar ($1.00). For each codicil the fee shall be two dollars ($2.00) in addition. Probate of will in common form.

SEC. 86. Recognizance: Where no bond is taken, twenty-five cents (25c) for each person. Recognizance.

SEC. 87. Recording and indexing assignment of judgment, seventy-five cents (75c). Assignment of judgment.

SEC. 88. Recording corporation certificate, certificate of credit union or certificate of cooperative association, three dollars ($3.00), plus fifty cents (50c) for each page or fraction thereof in excess of four, certificate of Secretary of State to be considered a page. Recording corporation and other certificates.

SEC. 89. Recording and indexing amendment to corporation certificate, certificate of credit union or certificate of cooperative association, the same fee as that of the original of these certificates. Certificates of amendment: Corporate, etc.

SEC. 90. Recording minutes in any case, fifteen cents (15c) per copy sheet or fraction. Recording minutes.

SEC. 91. Recording minutes in criminal and civil cases, fifteen cents (15c) per copy sheet or fraction. Minutes: Criminal and civil.

Recording or copying papers.

SEC. 92. Recording or copying papers: Except as otherwise provided in this Act, fifteen cents (15c) per copy sheet. Cost of photostating plus ten cents (10c) per page for verification, plus fifty cents (50c) for certificate and seal.

Recording transcripts from inferior courts.

SEC. 93. Recording transcripts from justice of peace or other inferior courts, printed form seventy-five cents (75c); irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction of a page.

Registering nurses and other professional persons.

SEC. 94. Registration certificates of nurses, architects, medical doctors, surgeons, dentists, optometrists, chiropodists, chiropractors, osteopaths and other persons required to be registered in the same manner, with seal, seventy-five cents (75c).

Renunciations.

SEC. 95. Renunciation of right to qualify as administrator, executor or guardian, twenty-five cents (25c).

Restoring maiden name after divorce.

SEC. 96. Restoring maiden name after absolute divorce, one dollar ($1.00).

Seal.

SEC. 97. Seal of office, twenty-five cents (25c).

Stenographer's fees.

SEC. 98. Stenographer: At the time of docketing criminal or civil action, one dollar ($1.00). In each action where stenographer is actually used, fee of ten dollars ($10.00) per day or fraction of day.

Subpoena.

SEC. 99. Subpoena, twenty-five cents (25c) for each witness named therein.

Substitution of trustee.

SEC. 100. Substitution of trustee in deed of trust or trust indenture, one dollar ($1.00), and no additional fee for probate shall be charged.

Summons.

SEC. 101. Summons, in civil action and special proceeding, regardless of number of defendants, one dollar ($1.00).

Bond and justification.

SEC. 102. Taking bond and justification of surety thereon, one dollar ($1.00).

Verifications.

SEC. 103. Verification of any paper filed or recorded in office: Ten cents (10c) per copy sheet in addition to the fees for certificate and seal.

Warrant.

SEC. 104. Warrant, one dollar ($1.00).

Widow's dissent to will.

SEC. 105. Widow's dissent to will, one dollar ($1.00).

Widow's year's allotment.

SEC. 106. Widow's year's allotment: Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15, 30-16, 30-17, one dollar and twenty-five cents ($1.25).

SEC. 107. This Act shall apply only to Buncombe County. Application of Act.

SEC. 108. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 109. This Act shall be in full force and effect from and after its ratification and shall be applicable to all fees, commissions and costs uncollected at the time of its ratification in all pending actions, proceedings, special proceedings and matters. Effective date. Application to uncollected fees, costs, etc.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

S. B. 246 **CHAPTER 453**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF DUNN IN HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Dunn, a municipal corporation located in Harnett County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit: Extension of corporate limits, Town of Dunn.

Beginning at the intersection of the northern margin of West Carr Street and the eastern margin of General Lee Avenue according to the present map and plan of the Town of Dunn, and runs along the eastern edge of General Lee Avenue North 39 degrees East 140 feet to a stake, R. R. Raynor's corner; thence along a line of R. R. Raynor, and parallel with North Carr Street if extended, North 51 degrees West 523 feet to a stake in a ditch; thence along said ditch and continuing beyond the same North 85 degrees 20 minutes West 507 feet to an iron stake; thence South 10 degrees West 203 feet to a stake in the northern line of the right of way of the Durham and Southern Railway Company; thence along said northern line of said right of way South 51 degrees East 187 feet to an iron stake, a corner of a strip of land owned by the Durham and Southern Railway Company; thence along the northern line of said strip of land owned by the said Durham and Southern Railway Company South 51 degrees East 679 feet to the eastern edge of General Lee Avenue; thence along the eastern edge of General Lee Avenue North 39 degrees East 297.6 feet to the beginning. Boundaries of area annexed.

Laws applicable to Town of Dunn made applicable to new area.

SEC. 2. That all laws and clauses of laws applicable to the Town of Dunn according to the corporate limits as heretofore defined, shall be applicable to the Town of Dunn with the extended boundaries as set forth in Section 1 hereof as fully as if the extended boundaries had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each re-enactment of said charter.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 25th day of March, 1947.

S. B. 276 **CHAPTER 454**

AN ACT TO FIX THE DATE OF ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF BOONE.

The General Assembly of North Carolina do enact:

Terms of Mayor and Commissioners, Town of Boone.

SECTION 1. That the term of office of the Mayor and the Board of Town Commissioners of the Town of Boone shall be two years.

Terms of incumbents extended.

SEC. 2. That the term of office of the present Mayor and Board of Town Commissioners of the Town of Boone is hereby extended until the first Monday in July, 1947.

Election of Mayor and Commissioners.

SEC. 3. That the election of the Mayor and Board of Town Commissioners of the Town of Boone shall be held on the first Tuesday after the third Monday in June, 1947, and biennially thereafter; and the mayor and board of commissioners so elected shall take office on the first Monday in July, 1947, and biennially thereafter.

Application of Chapter 160, Article 3, General Statutes.

SEC. 4. That in all respects, except as to the time of election and the time of taking office as fixed in Section 3 above, all elections of the Mayor and Board of Commissioners of the Town of Boone shall be governed by the general laws of the State as set forth in Article 3 of Chapter 160 of the General Statutes.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 51 **CHAPTER 455**

AN ACT TO CREATE AND ESTABLISH THE ELKIN CITY ADMINISTRATIVE UNIT AND TO PROVIDE FOR ITS OPERATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the Elkin School District, as heretofore defined and established by the Board of Education of Surry County and approved by the State School Commission, is hereby declared to be a City Administrative Unit within the contemplation of Section 115-8 of the General Statutes of North Carolina; and the general administration and supervision of said unit shall be under the control of a board of trustees or school commissioners, to be named by the governing body of the City of Elkin as hereafter provided, with a city superintendent as administrative officer.

Elkin City Administrative Unit (schools) created.

Board of trustees.

SEC. 2. That the boundaries of said City Administrative Unit shall be the same as the Elkin School District, but it may be changed from time to time by the recommendation of the Surry County Board of Education and the Board of Trustees of said City Administrative Unit, herein established with the approval of the State Board of Education. The metes and bounds of said district being as follows:

Boundaries of City Administrative Unit.

Beginning at the Wilkes and Surry lines intersecting the Yadkin River, and running in an easterly direction with the Yadkin River to Mitchell's River; thence with the meanders of Mitchell's River in a northerly direction to the fork of Mitchell's River and South Fork Mitchell's River; thence up the South Fork Mitchell's River to the north line of Elkin Township and the south line of Bryan Township at the mouth of Beaver Creek; thence in a westerly direction along the established line dividing Elkin Township and Bryan Township to the Wilkes County line; thence in a southerly direction along the line dividing Surry County and Wilkes County to the Yadkin River, the point of beginning.

Composition of Board of Trustees.

SEC. 3. The Board of Trustees of the Elkin City Administrative Unit shall be composed of five members, all of whom shall reside in the above described school district.

Trustees named.

Terms.

SEC. 4. The following persons shall serve as trustees until their successors are named and have qualified as hereinafter provided. R. W. Harris and Claude Farrell shall each serve for a term of four years, and C. S. Foster and Hugh A. Royall shall each serve for a term of three years, and Everett Holbrook shall serve for a term of one year, each of said terms of office to begin on the first day of April, 1947. The governing body of said City of Elkin shall name the successors to each of the members herein named upon the expiration of their respective terms, on or before the first day of April of the year in which such member's term of office expires, and their successors shall be named for a term of four years. Any vacancy occurring in the membership of said board for any reason, either as to the members herein named or their successors, shall be filled by the governing body of said city within thirty days after such vacancy occurs.

Appointment of successors.

Filling of vacancies.

Special school taxes approved by Elkin School District continued in force.

Tax levies.

SEC. 5. That any special tax which has heretofore been approved by the voters of the Elkin School District shall remain in full force and effect in Elkin City Administrative Unit the same as if said tax had been authorized after the establishment of said City Administrative Unit, and the tax-levying authorities are hereby authorized and empowered to continue to levy such taxes to the same extent as previously done in the Elkin School District.

Relationship of Unit to County Education Board.

Handling and distribution of funds.

SEC. 6. The relationship between the Elkin City Administrative Unit and the County Board of Education shall be the same as now exists between the several County Boards of Education and the several City Administrative Units of the State under the general laws applicable thereto. All funds shall be handled and distributed by the Elkin City Administrative Unit, including the special taxes heretofore referred to, as done under the pertinent General Statutes.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 232 **CHAPTER 456**

AN ACT TO PROVIDE FOR RAISING AND MANAGING OF A PENSION FUND FOR THE EMPLOYEES OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Board of Trustees of Retirement or Pension Fund of City of Fayetteville created.

SECTION 1. That in order to raise and manage funds for the relief of disabled and retired employees of the City of Fayetteville, and to perform the duties as fixed by these acts, there is hereby created a board to be known as "The Board of Trustees of the Retirement or Pension Fund of the City of Fayetteville, N. C.;" said board shall consist of three members, who shall serve without pecuniary compensation, appointments to which, as successors to the board hereinafter named shall be made by the Board of Audit and Finance of the City of Fayetteville biennially hereinafter, as the term of members expires. That D. L. McRainey is hereby appointed as trustee to serve for two years; R. W. Boling is to serve for four years, and O. L. Stubbs to serve for six years. At the expiration of the term of any trustee his successor shall be appointed for six years by the Board of Audit and Finance of the City of Fayetteville. All vacancies, caused by death, resignation or for any cause, on said board shall be filled by the board of audit and finance of said city, who shall in such event appoint some fit and suitable person to fill such vacancy, and the person so appointed shall hold for the remainder of the unexpired term of the retiring member. In case the board of audit and finance should be abolished by the City of Fayetteville or for any other reason become inactive and fail to function, the Resident Judge of the Ninth Judicial District of North Carolina, the Mayor of the City of Fayetteville, and the Clerk of Superior Court of Cumberland County shall assume all of the duties imposed by this Act upon the board of audit and finance of said city.

Appointment of members; terms.

Appointment of successors.

Vacancies filled.

Provision for performance of duties of board of audit and finance upon abolition or inactivity.

Organization of Board of Trustees.

SEC. 2. That on the 1st day of April, 1947, or as soon thereafter as is practicable, organization of said board shall be perfected by the selection from its members of a chairman and a secretary; *provided, however*, that should death, resignation, or any other cause create a vacancy in the position of chairman or secretary during any year, nothing herein shall be construed to prevent the necessary reorganization at any time.

City Treasurer made treasurer of retirement funds.

SEC. 3. That the Treasurer of the City of Fayetteville shall be the treasurer for the funds hereinafter provided for, and all securities and property held or hereafter acquired under and by virtue of this Act, and all funds to be raised shall be collected,

kept and deposited by said treasurer to the credit of such fund in banks or trust companies to be selected by him, subject to the approval of said board of trustees and to their control as in this Act provided. All payments by or on behalf of said fund shall be made by said treasurer on vouchers to be filed with said treasurer by means of checks, countersigned by the chairman of said board. Said treasurer shall, before entering upon his duties as treasurer thereof, execute and deliver a good and sufficient bond, to be approved by the Council of the City of Fayetteville, payable to the City of Fayetteville, conditioned on the faithful and proper discharge of his duties and that he shall pay over and account for all moneys, securities and property that may come into his hands as such treasurer.

Disbursement of funds.

Bond of treasurer.

Control over funds vested in Board of Trustees.

SEC. 4. The board of trustees organized as herein provided shall have control over the funds derived from the provisions of this Act, and it may continue to receive and require the deposit of them as received, to the credit of said fund, or invest the same in the name of the board of trustees of the pension fund of the City of Fayetteville, N. C., in interest-bearing bonds of the United States, of the State of North Carolina, of the County of Cumberland, or of the City of Fayetteville, as said board may deem most advantageous for the object of such fund, and the said board is empowered to make all necessary contracts and to take all necessary remedies in the faithful performance of their duties, under the terms of this Act. The said board may and it is authorized and empowered to establish such rules and regulations from time to time for the disposition, investment, preservation and administration of said funds, not in conflict herewith, as it may deem best.

Investment of funds.

Rules and regulations for administration of funds.

Control over payments of pensions and expenses.

SEC. 5. The board of trustees, organized as herein provided, shall have control of all payments to be made from such fund of pensions granted in pursuance of this Act and of necessary expenses. It shall hear and decide all applications for pensions under this Act, and make all needful rules and regulations for its government in the discharge of its duties, and its decisions on applications for pensions shall be final and conclusive and not subject to review or revisal except by the board itself. It shall cause to be kept a record of all its meetings and proceedings. Any person who shall wilfully swear falsely in any oath or affirmation in obtaining or procuring any relief fund or pension, or the payment thereof, under the provisions of this Act, shall be guilty of perjury.

Rules and regulations.

Record of meetings.

False swearing to obtain pension, etc., made perjury.

Maintenance of List of Retired City Employees.

SEC. 6. There shall be kept in the office of said board of trustees, by the secretary, a book to be known as the "List of

Retired City Employees," which shall give a complete history and record of all actions of the board of trustees in retiring any and all persons under this Act. Said record shall give the name, the date of joining the department, date of retirement or incapacity, and the reasons therefor. All papers and records shall be carefully preserved and turned over to the succeeding officer of the board.

Reports to governing body of City of Fayetteville.

SEC. 7. That on or before the 1st day of July, 1948, and annually thereafter, the said board of trustees shall make a verified report to the governing body of the City of Fayetteville, containing a detailed statement of all receipts and disbursements on account of said fund, together with the name of each beneficiary and the amount paid to such beneficiary for or on account of such fund, and the governing body of the City of Fayetteville shall have the right and is empowered at any time to make or cause to be made an examination by a competent auditor of conditions of said fund.

Contents.

Audit of funds.

Duties of City Attorney.

SEC. 8. It shall be the duty of the City Attorney of the City of Fayetteville, to give advice to the board of trustees, in all matters pertaining to its duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by the said board.

Funds exempt from execution.

SEC. 9. The moneys, securities and effects of the fund in this Act provided, either before or after order of distribution by said board to any pensioned member, shall be and are declared exempt from execution and from all process and proceedings to enjoin, attach or recover the same by or on behalf of any person having or asserting any claim against, or debt or liability of any pensioner of said fund, and moneys, stocks, bonds or other things of value held by the trustees of said fund as a part of the pension fund created by this Act shall not be subject to taxation either by the State, county or municipality.

Exemption from taxation.

Source of funds for relief and pensions:

SEC. 10. The funds for the relief and pension of disabled and retired employees of the City of Fayetteville, as contemplated by this Act shall be raised as follows:

Appropriation by City of Fayetteville.

(a) The governing body of the City of Fayetteville shall, on or before the 1st day of July, 1947, or in its next annual budget, appropriate and provide for in its budget and pay over to the treasurer of the pension fund, as herein provided for, a sum not less than ten thousand dollars ($10,000.00), or so much

Original appropriation.

Additional appropriations.

in addition thereto as may be determined by said council, to be necessary in carrying out the provisions of this Act and shall thereafter in each annual budget appropriate and provide for in its budget and pay over to the treasurer of said pension fund a sum not to exceed five thousand dollars ($5,000.00) in any one year; *provided, however,* that when said pension fund shall have reached an amount of such proportion that the interest thereon, together with the other incomes hereinafter provided for is sufficient to pay all pensions and necessary expenses, no further amount shall be paid over hereunder by the City of Fayetteville, for the benefit of such fund until such time as such interest and the additional funds hereinafter provided for shall again not be sufficient to pay such pensions and necessary expenses. The amount herein provided for is in addition to any amounts to be paid by the city hereinafter provided for.

Limitation on appropriations.

Acceptance of gifts, grants, devises or bequests.

(b) The board of trustees of said fund may take by gift, grant, devise or bequest any money, real or personal property or other thing of value and hold or invest the same for the use of said fund, in accordance with the purposes of this Act.

Funds from sale of certain lost, abandoned, unclaimed, or stolen property.

(c) All lost, abandoned or unclaimed or stolen property in the possession of the police department, for the space of six months and for which there shall be no lawful claimant, after having been advertised for ten days in some newspaper published in the City of Fayetteville, may be sold by the chief of police in a suitable room or place designated for such purpose, and the proceeds of such sale shall be promptly paid into the pension fund herein provided for and become a part thereof.

Assessments upon participants in retirement fund.

(d) Said board of trustees shall have the authority, and it shall be their duty to impose an assessment upon all participants in this retirement fund for the purposes of said fund, *provided* such assessments are uniform and equitably graded in relation to the salaries such members are receiving. An assessment of three per centum (3%) of the monthly pay, salary or compensation of each member shall be imposed hereunder. Where any such assessment is duly imposed, the Treasurer of the City of Fayetteville is hereby authorized, empowered and directed to deduct said money as aforesaid from the pay due any such member and forthwith to pay the same into the treasury of said pension fund. When any assessment is imposed upon an employee as herein provided for and at the same time said assessments are collected and paid into the said pension fund, the City Clerk and Treasurer of the City of Fayetteville is also authorized, empowered and directed to pay into the treasury of the pension fund an amount equal to two per centum (2%)

Uniformity of assessment.

Deduction of assessments from pay of members.

Employee assessments matched by City.

of the monthly pay, salary or compensation of participating members; and this amount shall be in addition to the amounts hereinbefore provided for to be paid by the city.

Effective date.

SEC. 11. This Act shall become effective, if ratified by the General Assembly of North Carolina prior thereto, on the 1st day of April, 1947; and wherever the masculine pronoun is used in this Act, it shall apply to male and female alike, and shall apply to the following employees of the City of Fayetteville:

Masculine pronoun applicable to male and female alike.

City employees covered by Act.

(a) All members of the police force of the City of Fayetteville, including the chief, who are regularly employed members of the police department on the 1st day of April, 1947, and all persons who are employed as members of the police force of the City of Fayetteville thereafter. All other regularly salaried employees of the City of Fayetteville, including the employees of the Public Works Commission, except the mayor and city attorney, who are regular employees of the city on the 1st day of April, 1947, and all of those who are thereafter employed. The word "employee" shall be construed to mean anyone in the employ of the city, whether elected or appointed.

"Employee" defined.

Power of Board of Trustees to retire members of police force.

SEC. 12. The board of trustees shall have power, in their discretion in accordance with the provisions hereinafter provided, to retire from membership of the said police force and thereupon to grant relief of pension to any member of the police force of the City of Fayetteville who shall become disabled physically or mentally or superannuated by age so as to be unfit for police duties as follows:

Grounds for retirement:

Total and permament disability from performance of duty.

(a) To any member of the police force who, while in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, shall become totally and permanently disabled physically or mentally, so as to be unfitted to perform police duty or other gainful occupation. Any member of said police department who shall be retired for the reasons herein stated and who has not had more than five years' service on said police force prior to the time of his retirement, shall be entitled to receive as a monthly pension an amount equal to thirty-three and one-third per centum (33⅓%) of the monthly salary that he was receiving at the time of his retirement, which rate shall be increased one per centum (1%) for each additional year's service; but in no case shall he receive more than fifty per-centum (50%) of his former salary.

Amount of pension.

Retirement upon reaching age 55.

Prerequisites for retirement on age basis.

(b) Any member of the police department who reaches the age of fifty-five years or more may voluntarily retire from the police department; *provided*, such retiring member has been a member of the police force continuously for a period of twenty

Amount of pension.

Period.

Payments to widow or next of kin, upon death prior to retirement.

Amount payable.

years prior to the time he reaches the age of fifty-five years and shall be entitled to receive fifty per centum (50%) of the salary he was receiving at the time his retirement became effective. The pensions herein provided for shall run for the remainder of the life of such retiring member. If any regular member of the police force shall die prior to his retirement without having received any benefits from the retirement fund, the treasurer of the said retirement fund shall pay to the widow or next of kin of deceased member the sum of one thousand dollars ($1,000.00); but in case the amount previously deducted from deceased member's pay, plus interest at the rate of six per centum (6%) per annum, exceeds the amount of one thousand dollars ($1,000.00), the entire sum deducted from his salary, plus interest at six per centum (6%) shall be paid to his widow or next of kin; but this provision shall not apply to any member who has been receiving retirement benefits prior to the time of his death. If any member of the police department, and while an active member thereof, shall voluntarily withdraw from participating in the retirement fund, the treasurer of the retirement fund shall refund to him the amount, less interest, deducted from his salary during the time he was a participating member of said fund; and any member of the police department shall have the right, upon written application made by him to the trustees of this fund, to withdraw from participating therein, and no further deductions shall be made from his monthly salary.

Refunds authorized upon voluntary withdrawal from participation in retirement fund.

Right to withdraw; procedure.

Retirement of other City employees covered by Act.

SEC. 13. The board of trustees shall have the power, in their discretion in accordance with the provisions hereinafter provided, to retire any other employee of the City of Fayetteville covered by this Act, to grant relief or pension to any employee of the City of Fayetteville who has become disabled physically or mentally or superannuated by age so as to be unfit for duties as follows:

Grounds:

Permanent disability from performance of duty.

(a) To any employee of the City of Fayetteville who, while in the actual performance of duty and by reason of performance of such duty and without fault or misconduct on his part, shall become permanently disabled physically or mentally so as to be unfitted to perform the duties of his employment or to follow regularly other gainful occupation. Any employee of said city who shall be retired for the reasons herein stated and who has not had more than five years' service as an employee of said city prior to the time of his retirement, shall be entitled to receive as a monthly pension an amount equal to thirty-three and one-third per centum (33⅓%) of the monthly salary that he was receiving at the time of his retirement, which rate shall be increased one per centum (1%) for each additional year's

Amount of pension.

service; but in no case shall he receive more than fifty per centum (50%) of his former salary.

Voluntary retirement upon reaching age 60.

(b) Any employee of the City of Fayetteville who reaches the age of sixty years or more, or who has reached the age of sixty years or more, may voluntarily retire as an employee of said city; *provided*, such retiring employee has been an employee of the city continuously for a period of twenty years or more, prior to the time he reaches the age of sixty years, or more, and shall be entitled to receive fifty per centum (50%) of the salary he was receiving at the time his retirement became effective. The pension herein provided for shall run for the remainder of the life of such retiring employee. If any regular employee of the city, covered by the provisions of this Act, shall die prior to his retirement without having received any benefits from the retirement fund, the treasurer of the said retirement fund shall pay to the widow or next of kin of deceased employee the sum of one thousand dollars ($1,000.00); but in case the amount previously deducted from deceased member's pay, plus interest at the rate of six per centum (6%) per annum, exceeds the amount of one thousand dollars ($1,000.00), the entire sum deducted from his salary, plus interest at six per centum (6%) shall be paid to his widow or next of kin; but this provision shall not apply to any employee who has been receiving retirement benefits prior to the time of his death. If any employee covered by the terms of this Act shall voluntarily withdraw from participating in the retirement fund, the treasurer of the retirement fund shall refund to him an amount, without interest, deducted from his salary during the time he was a participating member of said fund; and any employee of the city shall have the right, upon written application made by him to the trustees of this fund, to withdraw from participating therein, and no further deductions shall be made from his monthly salary.

Prerequisites for retirement on age basis.

Amount of pension.

Period.

Payments to widow or next of kin upon death before retirement.

Amount of payments.

Exception.

Refunds authorized upon voluntary withdrawal from participation in retirement fund.

Right to withdraw; procedure.

Benefits payable in event of violent death in performance of duty.

SEC. 14. When any employee of the City of Fayetteville, covered by the terms of this Act, shall be killed within the limits of the City of Fayetteville, or its territorial jurisdiction, while in the performance of duty, or shall die from the effects of any injury received while in the actual performance of duty, the board may, in its discretion, provide for the payment of a pension for such a period as it may deem proper and wise, in no instance to be over five hundred dollars ($500.00) a year, to the dependent parent, widow or child of such deceased employee, as the case may be.

Provision for office space and accommodations for Board.

SEC. 15. It shall be the duty of the Board of Aldermen of City of Fayetteville to provide suitable office space and accommodations in the city hall or elsewhere for the board

Secretary to Board; compensation.

of trustees of the retirement fund, provided for in this Act; and said board of trustees is empowered to employ a secretary to said board and to provide for and pay said secretary a reasonable compensation out of the pension funds; and said board is authorized and empowered to fix the compensation for the treasurer of said funds and to pay the same out of the pension funds created by this Act.

Compensation of Treasurer.

Medical examiner.

SEC. 16. In all instances in which pensions are asked for or are granted in the case of permanent disability or retirement, through long service and superannuation, the board is authorized to provide for the services of some medical examiner; and in all cases in which a pension is granted, the certificate of the medical examiner shall be secured and filed by the board and preserved.

Certificate of medical examiner.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 281 CHAPTER 457

AN ACT TO AMEND THE MEMBERSHIP PROVISIONS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT SO AS TO LIMIT THE MEMBERSHIP TO PERSONS WHO BECOME EMPLOYEES WHILE UNDER SIXTY YEARS OF AGE AND TO FIX THE BEGINNING DATE OF MEMBERSHIP IN THE RETIREMENT SYSTEM NINETY DAYS AFTER DATE OF EMPLOYMENT.

The General Assembly of North Carolina do enact:

G. S. § 135-3, amended, as to effective date of membership in retirement system for teachers and State employees.

SECTION 1. Amend Section 135-3 of the General Statutes of North Carolina by adding another sentence at the end of Subsection (1) of Section 135-3 of the General Statutes of North Carolina, which sentence shall read as follows: On and after July 1st, 1947, membership in the retirement system shall begin ninety days after the election, appointment or employment of a "teacher or employee" as the terms are defined in this Chapter.

G. S. § 135-3, amended further.

SEC. 2. Amend Section 135-3 of the General Statutes of North Carolina by adding a new Subsection thereto which shall be designated as Subsection (4) and read as follows:

(4) No person who becomes a "teacher or employee," as the terms are defined in this Chapter, shall be or become a member of the Retirement System who is elected, appointed or employed after he has attained the age of sixty years.

Teacher or employee employed after age 60, not eligible as member of retirement system.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 282 CHAPTER 458

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Paragraph (a) of Subsection (1) of Section 135-8 of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

G. S. § 135-8, amended as to Annuity Savings Fund, Teachers and State Employees Retirement System.

(a) Prior to the first day of July, 1947, each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum of his earnable compensation; and the employer also shall deduct four per centum of any compensation received by any member for teaching in public schools, or in any of the institutions, agencies or departments of the State from salaries other than the appropriations from the State of North Carolina. On and after such date the rate so deducted shall be five per centum. In determining the amount earnable by a member in a payroll period, the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher or State employee was not a member on the first day of the payroll period.

Payroll deductions.

Determination of "amount earnable."

G. S. § 135-8, further amended, as to Pension Accumulation Fund.

SEC. 2. Amend Paragraph (c) of Subsection (3) of Section 135-8 of the General Statutes of North Carolina by adding thereto a new sentence which shall read as follows:

Increase of "accrued liability contribution" rate.

Such rate shall be increased on the basis of subsequent valuations if benefits are increased over those included in the valuation on the basis of which the original accrued liability contribution rate was determined.

G. S. 135-5, amended.

SEC. 3. Paragraph (b) of Subsection (2) of Section 135-5 of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

Service retirement pension allowance.

Supplementary pension.

Computation.

(b) A pension equal to the annuity allowable at age of sixty years computed on the basis of contributions made prior to the attainment of age sixty; and, if the member contributed during the period from July 1st, 1941, to June 30th, 1947, an additional supplementary pension which shall be equal to one-fourth of the annuity allowable at age of sixty years, computed on the basis of contributions made during such period but prior to the attainment of age sixty, plus one-fourth of the annuity allowable at his retirement age computed on the basis of contributions made during such period; and

G. S. § 135-5, further amended.

SEC. 4. Paragraph (c) of Subsection (2) of Section 135-5 of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

Additional pension allowance for service retirement.

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at his retirement age by the contributions which he would have made during such prior service had the system been in operation and had he contributed thereunder at the rate of five per centum of his compensation, plus the pension, which would have been provided at age sixty on account of such contributions.

G. S. § 135-3, amended, as to membership in retirement system.

SEC. 5. Amend Section 135-3 of the General Statutes of North Carolina by adding thereto a new Subsection to be designated as Subsection (4) which shall read as follows:

Separation from service prior to retirement and application for benefits, effect on benefit rights.

(4) Notwithstanding any other provision of this Chapter, any member who separates from service prior to retirement after completing twenty or more years of creditable service and who leaves his total accumulated contributions in said system shall have the right to retire upon attaining the age of sixty years, notwithstanding the fact that said member does not have the status of a member in service at the time his application for retirement is filed; and such applicant for retirement shall be entitled to the benefits provided by Subsection (2) of Section

135-5 of this Chapter. All such applications for retirement under this Subsection must be filed within a period of twelve months from and after the sixtieth birthday of such applicant.

Limitation on applications under this section.

SEC. 6. Amend Subsection (10) of Section 135-1 of the General Statutes of North Carolina by striking out the words "and subsequent to one thousand nine hundred and twenty-one," beginning after the word "thirty-one" in line nine of said Subsection.

G. S. § 135-1(10), amended, as to definition of "prior service."

SEC. 7. Subsection (6) of Section 135-5 of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

G. S. § 135-5(6), amended, as to return of accumulated contributions.

(6) Should a member cease to be a teacher or State employee except by death or retirement under the provisions of this Act, he shall be paid such part as he shall demand of the sum of the contributions standing to the credit of his individual account in the Annuity Savings Fund, together with such interest thereon as the board shall allow, but not less than one-half of accumulated regular interest thereon.

SEC. 8. Amend Subsection (1) of Section 135-8 by adding thereto a new paragraph to be designated as paragraph (f) which shall read as follows:

G. S. § 135-8(1), amended.

(f) The contributions of a member, and such interest as may be allowed thereon, paid upon his death or withdrawn by him as provided in this Act, shall be paid from the Annuity Savings Fund, and any balance of the accumulated contributions of such a member shall be transferred to the Pension Accumulation Fund.

Payment of contributions, upon death or withdrawal, from Annuity Savings Fund.

Transfer of balances.

SEC. 8a. Amend Section 135-5 of the General Statutes of North Carolina by adding thereto a new Subsection to be designated as Subsection (8) which shall read as follows:

G. S. § 135-5, amended, as to benefits.

(8) Prior to July 1st, 1947, all benefits payable as of the effective date of this Act shall be computed on the basis of the provisions of Chapter 135 as they existed at the time of the retirement of such beneficiaries. On and after July 1st, 1947, all benefits payable to, for, on account of such beneficiaries shall be adjusted to take into account, under such rule as the board of trustees may adopt, the provisions of this Act as if they had been in effect at the date of retirement, and no further contributions on account of such adjustment shall be required of such beneficiaries. The board of trustees may authorize such transfers of reserve between the funds of the retirement system as may be required by the provisions of this Subsection (8).

Computation of benefits payable prior to July 1, 1947.

Subsequent benefit payments adjusted to provisions of this Act.

Transfer of reserves between funds.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 297 CHAPTER 459

AN ACT TO AMEND SECTION 14-269 OF THE GENERAL STATUTES RELATING TO THE CARRYING OF CONCEALED WEAPONS.

The General Assembly of North Carolina do enact:

G. S. § 14-269, amended.

SECTION 1. That Section 14-269 of the General Statutes is hereby amended by striking out the entire Section and inserting in lieu thereof the following:

Persons carrying concealed weapon guilty of misdemeanor.

Punishment.

Carrying concealed pistol or gun.

Punishment.

Possession prima facie evidence of concealment.

Confiscation of weapon.

Exception.

Rights of owner of weapon, when other than defendant.

SEC. 14-269. If anyone, except when on his own premises, shall carry concealed about his person any bowie-knife, dirk, dagger, slung shot, loaded cane, brass, iron or metallic knuckles or razor or other deadly weapon of like kind, he shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court. If anyone, except on his own premises, shall carry concealed about his person any pistol or gun, he shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50.00), nor more than two hundred dollars ($200.00), or imprisoned not less than thirty days nor more than two years, at the discretion of the court. If anyone, not being on his own lands, shall have about his person any such deadly weapon, such possession shall be prima facie evidence of the concealment thereof. Upon conviction or submission the deadly weapon with reference to which the defendant shall have been convicted shall be condemned and ordered confiscated and destroyed by the judge presiding at the trial: *Provided, however*, that if the deadly weapon with reference to which the defendant shall have been convicted is a pistol or gun, and the rightful owner of same is a person other than the defendant, such rightful owner may at the time of defendant's conviction or submission, file a petition with the judge presiding at the trial for the recovery of such weapon, and the same shall be returned to said owner upon a finding by the court (1) that he is now entitled to possession of same, and (2) that he was unlawfully deprived of possession without his consent or aquiescence.

This Section shall not apply to the following persons: Officers and soldiers of the United States Army when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State Guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties.

Section not applicable to soldiers and others while discharging official duties.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 324 **CHAPTER 460**

AN ACT TO AMEND CHAPTER 104 OF THE PUBLIC LAWS OF 1909 AND CHAPTER 320 OF THE PUBLIC-LOCAL LAWS OF 1911 RELATING TO THE RECORDER'S COURT OF THE CITY OF REIDSVILLE.

WHEREAS, at a meeting of the Council of the City of Reidsville, held on February 4th, 1947, the enactment of the legislation herein presented was requested: *Now, therefore,*

Preamble:

Request of City Council, Reidsville, for legislation.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 104 of the Public Laws of 1909, as amended by Chapter 320 of the Public-Local Laws of 1933, and by Chapter 162 of the Public-Local Laws of 1939, is hereby amended by striking out of Section 3 the last sentence thereof and by inserting in lieu thereof the following:

Ch. 104, Public Laws, 1909, as amended, further amended, as to Recorder's Court, Reidsville.

He shall take and prescribe the oath required for the Judges of the Superior Court. The City of Reidsville shall pay the recorder a monthly salary to be fixed by the city council. The salary of the recorder, however, shall not exceed two thousand, four hundred dollars ($2,400.00) annually.

Oath of Recorder.

Salary.

SEC. 2. That Chapter 320 of the Public-Local Laws of 1911 as amended by Chapter 320 of the Public-Local Laws of 1933 and by Chapter 162 of the Public-Local Laws of 1939 is hereby amended by striking out of Section 2 that portion of the first

Ch. 320, Public-Local Laws, 1911, as amended, further amended.

sentence which now reads as follows: "The said prosecuting attorney shall receive a salary of not less than sixty dollars per month and not more than one hundred twenty-five dollars per month, to be determined by the city council, and to be paid by the City of Reidsville monthly: That there," and by substituting therefor the following:

Salary of prosecuting attorney, Reidsville Recorder's Court.

The City of Reidsville shall pay said prosecuting attorney a monthly salary to be fixed by the city council. The salary of said prosecuting attorney, however, shall not exceed two thousand, two hundred dollars ($2,200.00) annually. There.

Ch. 104, Public Laws, 1909, amended, removing salary limitation, clerk of court.

SEC. 3. That Chapter 104 of the Public Laws of 1909 is hereby amended by striking out of line 4 of Section 17 thereof the following: "of not more than twenty-five dollars per month," and substituting therefor the following:

to be fixed by the city council and.

Ch. 104, amended further.

SEC. 4. Amend Section 17 of Chapter 104 of the Public Laws of 1909, as amended, by adding at the end thereof the following:

Provision for assistants to Recorder's Court clerk.

Oath.

Bond.

Functions.

Removal of clerk or assistants.

The clerk of the recorder's court, by and with the written consent of the City Council of the City of Reidsville, may appoint one or more assistant clerks each of whom, before entering upon his duties, shall take and subscribe the oath prescribed for Clerks of the Superior Court, and shall enter into such bond as may be required by the city council. Upon compliance with the provisions of this Section an assistant clerk shall be as fully authorized and empowered to perform all the duties and functions of the office of the clerk of the recorder's court as the clerk himself. The city council shall have the right to remove the clerk or any assistant clerk for incapacity, neglect of his office, or other cause and, in case of a vacancy from any cause, to appoint his successor.

Additional powers granted Clerk of Recorder's Court.

Enumeration of powers.

In addition to the powers heretofore granted the clerk of the recorder's court, he shall have power:

(1) To issue subpoenas to compel the attendance of witnesses residing or being in the State or to compel the production of any paper, document, bond or other article of personalty material to any inquiry pending in the court.

(2) To issue any criminal process returnable before said court, including warrants for arrest, search warrants and all other process on any criminal prosecution.

(3) To issue summons, attachments, and all other civil process necessarily incident to the jurisdiction of the court or ancillary to any action pending in said court.

(4) To administer oaths and take acknowledgments whenever necessary in the exercise of the powers and duties of his office.

(5) To issue commissions to take the testimony of any witnesses—within or without the State.

(6) To issue citations or orders to show cause to parties in all matters cognizable in his court.

(7) To enforce all lawful orders and decrees of the court by execution or otherwise against those who fail to comply therewith or to execute lawful process.

(8) To do and perform all other clerical and ministerial acts which are necessarily incident to the office of the clerk of the recorder's court and to the proper functioning of the court.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 338 **CHAPTER 461**

AN ACT TO AUTHORIZE THE GOVERNOR TO DESIGNATE THE RANK OF THE COMMANDING OFFICER OF THE STATE HIGHWAY PATROL.

The General Assembly of North Carolina do enact:

SECTION 1. Section 20-185 of the General Statutes is hereby rewritten to read as follows: G. S. § 20-185, rewritten.

Section 20-185. Personnel; appointment; salaries. The State Highway Patrol shall consist of a commanding officer, whose rank shall be designated by the Governor, and such additional subordinate officers and men as the Commissioner of Motor Vehicles, with the approval of the Governor and Advisory Budget Commission, shall direct. Members of the State Highway Patrol shall be appointed by the Commissioner, with the approval of the Governor, and shall serve at the pleasure of the Governor and Commissioner. The Commanding Officer, other officers and Members of the State Highway Patrol shall be paid such salaries as may be established by the Division of Personnel of the Budget Bureau.

Personnel of State Highway Patrol.

Rank of commanding officer.

Terms.

Salaries.

G. S. § 20-191, rewritten.

SEC. 2. Section 20-191 of the General Statutes is hereby rewritten to read as follows:

Establishment of district headquarters, Highway Patrol.

Section 20-191. Establishment of district headquarters. The Department of Motor Vehicles shall supply at its various district offices, or at some other point within the district if it shall be deemed advisable, suitable district headquarters, and the necessary clerical assistance for the commanding officer of the force at his headquarters in Raleigh and at the several district headquarters.

Clerical assistance.

G. S. § 20-192, amended, as to shifting of patrolmen between districts.

SEC. 3. Section 20-192 is hereby amended by striking out the word "major" in line two thereof and inserting in lieu thereof the words "commanding officer."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 5. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 341 **CHAPTER 462**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SARATOGA, NORTH CAROLINA, SO AS TO PROVIDE FOR THE GENERAL ELECTION OF ELECTIVE MUNICIPAL OFFICIALS, AND GIVE THE MAYOR'S COURT JURISDICTION WITHIN A RADIUS OF ONE MILE FROM THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Election of Mayor and Commissioners, Town of Saratoga.

SECTION 1. For the purpose of electing a Mayor and three Commissioners at large, all of the Town of Saratoga, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, 1947 and biennially thereafter, a nonpartisan election. The officials so elected shall hold their office until their successors are elected and qualified.

Time of taking office.

That the mayor and commissioners shall take office on the first Monday in June subsequent to the election.

Conduct of elections.

SEC. 2. That said elections shall be conducted as far as practicable, in all things and in all details in accordance with the general election laws of the State, unless otherwise provided by this Act, and all general laws of the State of North Carolina,

relating to elections, generally, now in force or hereafter enacted which govern elections, not inconsistent with this Act, shall apply as fully to such elections and the acts and things done thereunder, as to general elections, unless different provisions are made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with same punishment when committed on an election held thereunder.

Filing declaration of candidacy.

SEC. 3. Any person desiring to become a candidate for election as Mayor, or Commissioner of the Town of Saratoga shall on or before twelve o'clock, noon, of the first Monday in April preceding any election held thereunder file with the town clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the Town of Saratoga, and at the time of such filing pay to the Town of Saratoga, a fee equal to one per cent of his salary for the term of his office.

Contents of declaration.

Filing fee.

Preparation of ballots.

SEC. 4. When the time for filing the declaration for candidacy hereunder has expired the board of town commissioners shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election for the use of all qualified voters. The names of the opposing candidates, or the candidate for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said squares opposite the name of the person such voter desires to cast the ballot for a cross mark, and no other method of marking the ballot by the voter shall be required. No names of candidates shall be printed on the official ballots than the names of those who in apt time have filed notice of their candidacy. The ballot may contain sufficient explanatory matter to designate the purpose thereof. There shall be voted in the said elections only the official ballots furnished, as herein provided for, and if other ballots be voted they shall not be counted.

Form.

Method of voting.

Explanatory matter on ballots.

Voting by official ballot only.

Appointment of registrar.

SEC. 5. The board of commissioners of said town shall select, at least thirty days before the election provided for in the preceding Section, one person who shall act as registrar of voters of the Town of Saratoga; said board of commissioners shall make publication of the name of the person so elected at the town hall, immediately after such appointment, and shall cause notice to be served upon said person by the town clerk of said town. If any registrar shall die, resign, or neglect to perform his duties, said board of commissioners shall provide for said registration books. The registrar, after being duly sworn by

Publication of registrar's name.

Oath.

Revision of registration books.

some person authorized to administer oaths, to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of the Town of Saratoga in such manner that said books shall show an accurate list of electors previously registered in said Town of Saratoga, and still residing therein without requiring such electors to be registered anew unless said board of commissioners shall have ordered and required a new registration as is hereinafter provided; said registrar shall also,

Time of registration.

between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted) for seven days preceding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in said Town of Saratoga and entitled to register whose names have never before been registered in said Town of Saratoga or do not appear in the revised list; that said books shall be open until nine o'clock P. M. of each Saturday, during such registration period; that said books shall be closed for registration on the third Saturday before each election under Section 4 above.

Challenge day.

SEC. 6. That on the second Saturday before the election said registration books shall be kept open at the polling place in the Town of Saratoga from nine o'clock A. M. until five o'clock P. M. to the inspection of the electors of said town, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected to the word "challenged," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with said judges of election, shall hear and decide said objection, giving personal notice to the voter so objected; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not truly qualified, the registrar shall erase his name from the books. The board of commissioners shall on or before the first Monday in April, immediately preceding such election appoint two judges of election, who shall be men of good character, able to read and write. The said judges of election shall attend the voting place on the day of election, and they, together with the registrar of said Town of Stantonsburg, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the names of every person who shall vote and at the close of the election day they shall certify the same over their proper signatures and deposit them with the said board of town commissioners.

Procedure for making challenges.

Effect of registrant's disqualification.

Appointment of election judges.

Duties.

Registration on election day prohibited.

SEC. 7. No registration shall be allowed on the day of election but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of the challenge under the rules and regulations, prescribed by the general law regulating elections for Member of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of said Town of Saratoga, and not otherwise, shall have the right to vote for such town officers.

Exceptions.

Determination of challenges.

Residence qualification for voting.

Voting; opening and closing polls.

SEC. 8. The polls shall be open on the day of the election from seven o'clock A. M. until seven o'clock P. M., and no longer; and such person whose name may be registered shall be entitled to vote. Immediately after an election the registrar and judges of election shall deposit the registration and poll books for the Town of Saratoga with the board of town commissioners or its clerk. The board of commissioners shall provide for said town necessary ballot boxes in which to deposit the ballots and each of said boxes shall have an opening through the lid to admit a single folded ballot and no more. Said ballot boxes shall be kept by the judges of election for the use of said election, and the said registrar and judge of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not opened until the polls are closed.

Duties of election officials after election.

Provision for ballot boxes.

Regulations concerning ballot boxes.

Counting of ballots.

SEC. 9. When the election shall have been finished the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ticket, and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either case such ticket shall not be numbered in the taking of the ballot, but shall be void, and the said counting of votes shall be continued without adjournment until completed, and the result thereof declared. The registrar and judges of the election shall also be the canvassers of said election, and shall judicially determine the returns of said election; said board shall have power and authority to judicially determine and declare the result of same, and it shall have power and authority to send for papers and persons to examine the latter upon oath; and in case of a tie upon two opposing candidates the result shall be determined by lot.

Void ballots.

Declaration of results.

Determination of result in case of tie.

Election determined by majority vote.

Candidate receiving highest vote elected, unless second election demanded.

Call of second election; time.

SEC. 10. The election for each office shall be determined by a majority vote. In the event more than two persons are candidates for the same office and neither receive a majority of the votes cast for such office the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall within forty-eight hours after the result of the election shall have been canvassed and declared demand by writing filed with the town clerk for a second election, which demand must be accompanied by a payment to the Town of Saratoga of the sum of ten and no/100 dollars ($10.00), to the use of said town, and the commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing an officer as between the two high candidates. Only the candidates receiving the largest and second largest vote in the first election shall be voted on in the second election.

Jurisdiction of police department, Town of Saratoga, extended.

SEC. 11. The chief of police and each and every member of the police department of the Town of Saratoga, are hereby given the same jurisdiction and power in all territory situate within one mile of the corporate limits of said Town of Saratoga, as is now exercised by police officers within the corporate limits of said town.

Jurisdiction of Mayor's Court enlarged.

SEC. 12. That the Mayor's Court of the Town of Saratoga shall have the jurisdiction and powers in all criminal offenses occurring in all territory situate within one mile of the corporate limits of the said Town of Saratoga, as is now exercised by mayor's court within the corporate limits of said town.

Conflicting laws repealed.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 358 **CHAPTER 463**

AN ACT TO AMEND SECTION 130-56 OF THE GENERAL STATUTES RELATING TO THE ANNEXATION OF ADJOINING TERRITORY BY SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

G. S. § 130-56, amended, as to annexation of territory to sanitary districts, without election, upon petition of owners.

SECTION 1. That Section 130-56 of the General Statutes of North Carolina be amended by adding at the end thereof the following:

However, if the owners of all of the real property in the territory to be annexed petition any sanitary district board to include such real property within the boundaries of said district, then and in that event no election shall be necessary and such sanitary district board is authorized and empowered to enlarge its boundaries so as to include such property in the district upon the approval of its actions by the board of county commissioners of any county or counties within which said sanitary district lies, and with the further approval of the State Board of Health.

Official approval of annexation required.

G. S., Ch. 130, Art. 6, amended.

SEC. 2. Article 6 of Chapter 130 of the General Statutes is hereby amended by adding thereto a Section as follows:

Validation of annexation of territory to sanitary districts.

Section 130-57.2. Validation of annexation of territory to sanitary districts. All acts heretofore done or proceedings heretofore taken by the State Board of Health, any board of county commissioners, and any sanitary district board for the purpose of extending the boundaries of any sanitary district where said territory which was annexed contained no resident freeholders, and where the owner or owners of the real property annexed requested of such sanitary district board that said territory be annexed to and be within the boundaries of such sanitary district, are hereby legalized and validated, nothwithstanding any lack of power to perform such acts or to take such proceedings, and notwithstanding any defect or irregularity in such acts or proceedings.

Act not applicable to pending litigation.

SEC. 3. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 362 **CHAPTER 464**

AN ACT TO PROTECT THE RETIREMENT RIGHTS OF EMPLOYEES TRANSFERRED TO THE NORTH CAROLINA STATE EMPLOYMENT SERVICE BY ACT OF CONGRESS.

The General Assembly of North Carolina do enact:

G. S., Ch. 135, amended.

SECTION 1. Amend Chapter 135 of the General Statutes of North Carolina by adding thereto another Section to be designated as Section 135-16, which said Section shall read as follows:

Retirement rights, employees transferred to N. C. State Employment Service.

Section 135-16. Employees Transferred to North Carolina State Employment Service by Act of Congress. Notwithstanding any provision contained in this Chapter, any employee of the United States Employment Service who was transferred to and became employed by the State of North Carolina, or any of its agencies, on November 16th, 1946, by virtue of Public Law 549; 79th Congress, Chapter 672, 2nd Session, and who was employed by the War Manpower Commission or the United States Employment Service between January 1st, 1942, and November 15th, 1946, shall be deemed to have been engaged in membership service as defined by this Chapter for any payroll period or periods between such dates: *Provided*, that any such employee or member on or before January 1st, 1948, pays to the board of trustees for the benefit of the proper fund or account an amount equal to the accumulated contributions, with interest thereon, that such employee or member would have made during such period if he had been a member of the retirement system with earnable compensation based on the salary received for such period and as limited by this Chapter. *Provided, further* that funds are made available by the United States Employment Service, or other Federal Agency, to the Unemployment Compensation Commission for the payment of and the Unemployment Compensation Commission pays to the board of trustees for the benefit of the proper fund a sum equal to the employers' contributions that would have been paid for such period for members or employees who pay the accumulated contributions provided in this Section.

Conditions: Payments by employees into retirement system fund.

Basis of payments.

Availability and payment of equal contributions by federal agency.

Rules and regulations.

(1) The board of trustees is authorized to adopt and issue all necessary rules and regulations for the purpose of administering and enforcing the provisions of this Section.

G. S. § 135-3 (4), amended, as to time for resumption of membership in retirement system.

SEC. 2. That Subsection (4) of Section 135-3 of the General Statutes of North Carolina, as said Subsection (4) is set out in Chapter 799 of the Session Laws of 1945, is amended by striking out the word "six" in the thirteenth line of said Subsection

(4) and by inserting in lieu thereof the word "twelve." Further amend said Subsection (4) by striking out the word "six" as the same appears in the fifteenth line of said Subsection (4) and by inserting in lieu thereof the word "twelve."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 412 **CHAPTER 465**

AN ACT TO PROVIDE LIMITED COMPENSATION TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES IN THE STATE OF NORTH CAROLINA UPON PROOF OF INNOCENCE AND PARDON.

The General Assembly of North Carolina do enact:

SECTION 1. Any person who, having been convicted of felony and having been imprisoned therefor in a State prison of this State, and who was thereafter or who shall hereafter be pardoned by the Governor upon the grounds that the crime with which he was charged either was not committed at all or was not committed by him, may as hereinafter provided present by petition a claim against the State for the pecuniary loss sustained by him through his erroneous conviction and imprisonment. Provision for compensation to persons erroneously convicted and imprisoned for felonies.

SEC. 2. Such petition shall be addressed to the Commissioner of Pardons, and must include a full statement of the facts upon which the claim is based, verified in the manner provided for verifying complaints in civil actions, and it may be supported by affidavits substantiating such claim. Upon its presentation the Commissioner of Pardons shall fix a time and a place place for a hearing, and shall mail notice to the claimant, and shall notify the Attorney General, at least fifteen days before the time fixed therefor. Claims by petition. Contents; verification; supporting affidavits. Hearing. Notice.

SEC. 3. At the hearing the claimant may introduce evidence in the form of affidavits to support the claim, and the Attorney General may introduce counter affidavits in refutation. If the Commissioner of Pardons finds from the evidence that the claimant was pardoned for the reason that the crime was not Evidence. Action by Commissioner of Pardons.

committed at all, or was not committed by the claimant, and that the claimant has been vindicated in connection with the alleged offense for which he was imprisoned; and that he has sustained pecuniary loss through such erroneous conviction and imprisonment, the Commissioner of Pardons shall report the facts, together with his conclusions and recommendations to the Governor, and the Governor, with the approval of the Council of State, may pay to the claimant out of the Contingency and Emergency Fund, or out of any other available State fund, such amounts as may partially compensate the claimant for such pecuniary loss as he may be found to have suffered by reason of his erroneous conviction and imprisonment, such compensation not to be in excess of five hundred dollars ($500.00) for each year of such imprisonment actually served; and in no event shall such compensation exceed a total amount of five thousand dollars ($5,000.00).

Payment of claims.

Amount of compensation.

Limitation of amount.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 413 CHAPTER 466

AN ACT RELATING TO THE HUNTING OR TAKING OF DEER, AND/OR ATTEMPTING TO TAKE DEER DURING THE NIGHT TIME IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Hunting, shooting deer without visible horns, prohibited, Beaufort county.

SECTION 1. It shall be unlawful to hunt, take, shoot, or attempt to take or shoot any deer, within Beaufort County, when such animal does not visibly show horns.

Hunting, shooting deer at night, prohibited.

SEC. 2. It shall be unlawful for any person to hunt, take, shoot, or attempt to take or shoot any deer within Beaufort County between the hours of sunset and sunrise.

Prima facie evidence of violation of Act.

SEC. 3. It shall be unlawful for any person to hunt, take, shoot or attempt to take or shoot deer within Beaufort County between the hours of sunset and sunrise by the use of any type of artificial light; the flashing of any artificial light from any highway or public or private driveway for a distance of as much as fifty (50) feet from any such highway or public

or private driveway, or the flashing of such artificial light at any place while off such highway or driveways, in those areas within Beaufort County frequented by deer, when such acts are accompanied by the possession of firearms during the hours between sunset and sunrise shall be prima facie evidence of a violation of the provisions of this Act.

Punishment.

SEC. 4. Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined within the discretion of the court, a minimum fine for the first offense of not less than fifty dollars ($50.00), and the hunting license of the person so violating this Act shall be revoked for a period of two (2) years from the date of conviction. In the event any person convicted of the violation of the provisions of this Act shall not have obtained hunting license prior to such conviction, then and in any such event such person shall not be eligible to apply for or obtain a license within a period of two (2) years following such conviction.

Punishment for actual taking or shooting deer during night.

SEC. 5. If any person shall be convicted of the actual shooting or taking of deer during the hours between sunset and sunrise, by means of artificial light or otherwise, he shall be guilty of a misdemeanor and shall be imprisoned for not less than thirty (30) days.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 436 **CHAPTER 467**

AN ACT TO REGULATE THE SALE OF IRISH POTATOES AND SWEET POTATOES AND PARTS THEREOF OFFERED FOR THE PURPOSE OF PROPAGATION.

The General Assembly of North Carolina do enact:

Act to be known as Seed Potato Law.

SECTION 1. This Act shall be known as the Seed Potato Law.

Purposes.

SEC. 2. In order to improve farming in North Carolina and to enable potato growers to secure higher quality Irish potatoes and sweet potatoes and parts thereof for the purpose of propagation, and in order to prevent the spread of diseases affecting the future stability of the potato industry and the general wel-

Definitions and standards:

fare of the public, the following definitions and standards are hereby adopted:

"Certified" seed potatoes.

"Certified" sweet potatoes and Irish potatoes and parts thereof for propagation uses shall mean sweet potatoes and Irish potatoes and parts thereof which conform to the standards adopted by the State Board of Agriculture, which shall conform to the standards fixed by the International Crop Improvement Association in classifying and determining what shall constitute "certified" potatoes for propagation uses.

"U. S. No. 1" seed potatoes.

"U. S. No. 1" Irish potatoes and/or sweet potatoes when the same are intended to be used for propagation purposes shall mean Irish and/or sweet potatoes which conform to the standards issued by the United States Department of Agriculture for "U. S. No. 1" potatoes when the same are intended to be used for propagation purposes.

Packing, sale or shipment of seed potatoes not conforming to standards prohibited.

SEC. 3. After the effective date of this Act, it shall be unlawful for any person, firm or corporation to pack for sale, offer or expose for sale, or ship into this State for such purposes, or sell, any Irish potatoes, sweet potatoes or parts thereof intended for propagation purposes, which do not conform to the standards of "certified" and "U. S. No. 1" potatoes set out in Section 2 of this Act.

Rules and regulations.

The State Board of Agriculture is hereby authorized to make such reasonable rules and regulations as may be necessary to carry out the purposes of this Act.

Employment of inspectors to enforce Act, authorized.

SEC. 4. The Board of Agriculture is authorized to employ qualified inspectors to assist in the enforcement of laws and regulations affecting the distribution and sale of Irish potatoes and sweet potatoes and parts thereof intended for propagation purposes, and may prohibit the sale for propagation purposes of such potatoes which fail to meet the standards set out in Section 2 of this Act, and which have not been produced and labeled in accordance with the provisions of this Act or rules and regulations adopted pursuant thereto.

Inspection of seed potatoes within State.

SEC. 5. To effectively enforce the provisions of this Act, the Commissioner of Agriculture shall require the inspectors to inspect Irish and sweet potatoes and parts thereof shipped into, possessed, sold or offered for sale within this State for the purpose of propagation, and may enter any place of business, warehouse, common carrier or other place where such potatoes are stored or being held, for the purpose of making such inspection; and it shall be unlawful for any person, firm or corporation in custody of such potatoes or of the place in

Interference with inspectors prohibited.

which the same are held to interfere with the Commissioner or his duly authorized agents in making such inspections. When the Commissioner or his authorized inspectors find potatoes or parts thereof held, offered or exposed for sale in violation of any of the provisions of this Act or any rule or regulation adopted pursuant thereto, he may issue a written or printed "stop sale" order to the owner or custodian of any such potatoes and it shall be unlawful for anyone, after receipt of such "stop sale" order, to sell for propagation purposes any potatoes with respect to which such order has been issued. Such "stop sale" order shall not prevent the sale of any such potatoes for other than propagation purposes.

Issuance of "stop sale" orders.

Effect of "Stop sale" order.

SEC. 6. Notwithstanding any other provisions of this Act, the State Board of Agriculture is authorized and directed when the public necessity, welfare, economy, or any emergency situation requires it, to permit for such periods of time as, in its discretion, may seem necessary, the sale for propagation purposes of potatoes which do not meet the standards set out in Section 2 of this Act but which do meet such other lower standards as the Board of Agriculture may describe.

Authority of State Agriculture Board to permit sale of sub-standard potatoes.

SEC. 7. Nothing in this Act shall prohibit the sale, for propagation purposes in this State, of Irish or sweet potatoes or parts thereof grown within this State when sold by the grower thereof to a planter having personal knowledge of the conditions under which such potatoes were grown.

Sale of potatoes by grower to planter with personal knowledge of growing conditions.

SEC. 8. Any person, firm or corporation violating any of the provisions of this Act or any rule or regulation promulgated pursuant thereto shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court. Whenever the Commissioner of Agriculture becomes cognizant of any violation of the provisions of this Act he shall immediately notify in writing the person, firm or corporation if same be known. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture. If it appears that any of the provisions of this Act have been violated, the Commissioner of Agriculture shall certify the facts to the solicitor in the district in which the inspection was made, and furnish that officer with a copy of the results of the inspection of such Irish potatoes, sweet potatoes, or parts thereof duly authenticated by the inspector making such inspection, under the oath of such inspector. It shall be the duty of the several Solicitors of the Superior Courts of the State and the solicitors of inferior courts to prosecute any case involving the violation of the provisions of this Act when requested to do so by the Commissioner of Agriculture.

Violation of Act made misdemeanor.

Notice to persons violating Act.

Opportunity of hearing.

Facts of violation certified to Solicitor.

Duties of solicitors.

G. S., Ch. 106, Art. 30, not repealed.

Conflicting laws repealed.

SEC. 9. Nothing in this Act shall be construed as repealing Article 30 of Chapter 106 of the General Statutes, but all other laws and clauses of laws in conflict with the provisions of this Act are repealed to the extent of such conflict.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 480 CHAPTER 468

AN ACT TO AMEND SECTION 28-76 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE SALE OF CERTAIN PERSONAL PROPERTY OF ESTATES BY EXECUTORS OR ADMINISTRATORS.

The General Assembly of North Carolina do enact:

G. S. § 28-76, amended.

SECTION 1. That Section 28-76 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows:

Private sale of certain personal property by executors and administrators, authorized.

Where the property to be sold consists of cotton, corn, tobacco, peanuts, cattle, hogs or other livestock, or other farm commodities or produce having a known or readily ascertainable market value and which are bought or sold upon any established market, the executors or administrators may, upon first obtaining an order approving the sale from the Clerk of the Superior Court having jurisdiction of the estate, sell the same privately at the current market price, and such sale shall be valid and final.

Market price.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 503 **CHAPTER 469**

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS AND COUNTY BOARD OF EDUCATION OF ALEXANDER COUNTY TO PUBLISH ITS MINUTES IN SOME NEWSPAPER HAVING CIRCULATION IN THE COUNTY AND TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF.

The General Assembly of North Carolina do enact:

Publication of minutes of Board of Commissioners, Alexander County, in newspaper.

SECTION 1. Within two weeks after the close of each meeting of the County Commissioners of Alexander County, the minutes thereof, including a complete report of all monies received and spent during the preceding month shall be published one time in some newspaper having a circulation within the county. In the publication of the minutes of the board of county commissioners, the size of type to be used shall not exceed the size of the regular reading or body type used by the newspaper in its regular news columns. Said minutes of the board of county commissioners shall be set in the same single column style as the regular news material published in the paper and the only type larger than the regular news type shall be the heading which shall be fourteen (14) point bold. The board of county commissioners shall publish merely the subject matter of lengthy communications, resolutions, notices, or similar matter, in condensed form, without being required to publish said material in detail. The newspaper publishing said minutes of the board of county commissioners shall not charge for same in excess of the local rate charged local merchants for using the same space during the course of a year, and in no case shall this price exceed forty cents (40c) per column inch.

Form and style of publication.

Condensation of minutes.

Limitation of newspaper charges.

Publication of minutes of Board of Education, Alexander County, in newspaper.

SEC. 2. Within two weeks after the close of each meeting of the Board of Education of Alexander County, the minutes thereof, including a complete report of all monies received and spent during the preceding month, shall be published one time in some newspaper having a circulation in the county in the same type and at the same cost and in all other respects the same as prescribed for the publishing of the minutes of the Board of County Commissioners of Alexander County prescribed in Section 1 hereof.

Form, style, and cost of publication.

Payment of publication costs directed.

SEC. 3. The cost of said publications shall be paid by Alexander County and the board of county commissioners of said county is hereby authorized, directed, and empowered, in order to provide funds for this purpose, to levy a tax at a rate sufficient to raise a fund to cover the actual cost of said publication, the cost of said publication not to exceed two hundred dollars

Tax levy.

Limitation of costs.

Tax levy for 1945 and later years.

($200.00) per year for the minutes of the board of county commissioners and two hundred dollars ($200.00) for the minutes of the board of education. Said levy shall begin with the tax year of 1945 and shall be made during each year thereafter.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 514 CHAPTER 470

AN ACT TO REPEAL CHAPTER 257 OF THE PUBLIC-LOCAL LAWS OF 1939, AND TO AMEND CHAPTER 209 OF THE PRIVATE LAWS OF 1905, RELATING TO THE CHARTER OF THE CITY OF RANDLEMAN.

The General Assembly of North Carolina do enact:

Ch. 257, Public-Local Laws, 1939, as to City of Randleman, repealed.

SECTION 1. Chapter 257 of the Public-Local Laws of 1939 is hereby repealed.

Ch. 209, Private Laws, 1905, as amended, further amended.

SEC. 2. Chapter 209 of the Private Laws of 1905, as amended, amending the charter of the City of Randleman, is hereby further amended by striking out the whole of Section 3, as amended, and inserting in lieu thereof a new Section 3, reading as follows:

Biennial elections of mayor and four aldermen, City of Randleman.

SEC. 3. There shall on the first Monday in May, 1947, and every second year thereafter, be elected a mayor and four aldermen for the said city; the four aldermen are to be chosen at large from the city, and the administration and government of the said city shall be vested in such mayor as principal officer and four aldermen as aforesaid, and such officers as are or may by law be provided for.

Biennial elections of mayor and five aldermen.

SEC. 3. There shall be on the first Monday in May, 1947, and every second year thereafter, be elected a mayor and five aldermen for the said city, one alderman to be chosen from each of the four zones (or districts), and one alderman to be chosen at large from the city, and the administration and government of the said city shall be vested in such mayor as principal officer and five aldermen as aforesaid, and such officers as are or may by law be provided for.

SEC. 4. Chapter 209 of the Private Laws of 1905, as amended, is hereby further amended by adding a new Section immediately following Section 21, to be designated as Section 21½, and to read as follows:

Ch. 209, as amended, further amended.

SEC. 21½. Notwithstanding any other provisions of this Act, the office of tax collector of Randleman is hereby abolished, and the treasurer shall perform all the duties heretofore or hereafter imposed by law upon the tax collector.

Abolition of office of tax collector.

Duties transferred to treasurer.

SEC. 5. Section 27 of Chapter 209 of the Private Laws of 1905, as amended, is hereby further amended by striking out the words "The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and the city treasurer, and to audit and settle the accounts of the city secretary and treasurer.", immediately following the period in line 13 of said Section, and inserting in the place thereof the following:

Ch. 209, Private Laws, 1905, as amended, amended further.

The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall employ the services of an auditor or an auditing company to audit and settle the accounts of the treasurer, in whatever capacity he may act, and of the city secretary.

Employment of auditor to audit accounts, secretary and treasurer, City of Randleman.

SEC. 6. Section 40 of Chapter 209 of the Private Laws of 1905, as amended, is hereby further amended by striking out the words "and shall pay the moneys as they are collected to the treasurer," immediately following the comma in line 7 of said Section.

Ch. 209, further amended, eliminating from law a duty of tax collector (abolished).

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 518 CHAPTER 471

AN ACT TO AMEND SECTION 20 OF CHAPTER 644 OF THE SESSION LAWS OF NORTH CAROLINA 1943.

The General Assembly of North Carolina do enact:

Ch. 644, Session Laws, 1943, amended; law regulating certain cemeteries inapplicable to Durham County.

SECTION 1. To amend Section 20 of Chapter 644 of the Session Laws of North Carolina 1943, by striking out the period in the second line at the end of said Section and adding thereto the words "and Durham County."

SEC. 2. That this Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 520 CHAPTER 472

AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE TOWN OF JONESBORO AND THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Merger of Town of Jonesboro into Town of Sanford.

SECTION 1. That the Town of Jonesboro, a municipal corporation in the County of Lee, duly created and existing under the laws of North Carolina, be and the same is hereby consolidated and merged into the Town of Sanford, a municipal corporation in the County of Lee, its charter being Chapter 380 of the Private Laws of North Carolina, Session 1915, and amendments thereto; and from and after July 1st, 1947, both of said municipalities shall be and continue as one municipal corporation under the name and style of the Town of Sanford, with its charter that of the present Town of Sanford, to-wit: Chapter 380 of the Private Laws of North Carolina, Session 1915, as amended; and thereafter all the territory now embraced in the Town of Jonesboro and the Town of Sanford shall constitute the corporate area of the Town of Sanford, which shall continue as a municipal corporation with all the powers and privileges theretofore enjoyed by it, and the territroy heretofore embraced in the Town of Jonesboro shall be a part of the corporate area of the Town of Sanford.

Effective date of merger.

Territory of both towns incorporated into corporate area of Sanford.

Terms of Mayor and Aldermen, Jonesboro, extended temporarily.

SEC. 2. That the terms of office of the Mayor and Board of Aldermen of the Town of Jonesboro are hereby extended to July 1st, 1947; and shall constitute the governing body of the Town of Jonesboro and govern the same until July 1st, 1947.

SEC. 3. That at the time of the regular election to be held by the Town of Jonesboro on the first Monday in May, 1947, there shall be elected two aldermen, one who is a resident of that portion of the Town of Jonesboro east of the Atlantic Coast Line Railroad and one who is a resident of that portion of the town west of the Atlantic Coast Line Railroad, and the person elected as a member of the board of aldermen from that portion of Jonesboro east of the Atlantic Coast Line Railroad shall be and become, upon qualification on or after July 1st, 1947, alderman from the Sixth Ward in the Town of Sanford, and that person elected as alderman who is a resident of that portion of the Town of Jonesboro west of the Atlantic Coast Line Railroad shall be, upon qualification on or after July 1st, 1947, alderman from the Seventh Ward of the Town of Sanford.

Election of two Aldermen from Jonesboro areas as members of Sanford Board of Aldermen.

SEC. 4. That Chapter 380 of the Private Laws of North Carolina, Session 1915, as amended, be and the same is hereby amended by striking out the word "five" in line one of Section 3 thereof, and inserting in lieu thereof the word "seven," and after July 1st, 1947, the Town of Sanford shall be divided in seven wards, denominated as follows: First, Second, Third, Fourth, Fifth, Sixth, and Seventh. Said wards shall be bounded as follows:

Ch. 380, Private Laws, 1915, as amended, further amended.

Sanford divided into seven wards.

The First, Second, Third, Fourth, and Fifth Wards shall be as described in House Bill No. 285, ratified on the 26th day of February, 1947;

Boundaries of first five wards.

Ward Six shall embrace all of that territory east of the Atlantic Coast Line Railroad and within that portion of the Town of Sanford heretofore a part of the Town of Jonesboro;

Boundaries of sixth ward.

Ward Seven shall be all that territory in the Town of Sanford which is west of the Atlantic Coast Line Railroad and heretofore within the corporate limits of the Town of Jonesboro.

Boundaries of seventh ward.

SEC. 5. That at the regular election of the Town of Sanford to be held on Tuesday after the first Monday in May, 1947, there shall be elected a mayor and five aldermen, one of whom shall be a resident of the First Ward, one a resident of the Second Ward, one a resident of the Third Ward, one a resident of the Fourth Ward, and one a resident of the Fifth Ward, all of whom shall be voted on by all of the qualified voters of the Town of Sanford, as provided in Chapter 380, Private Laws of the State of North Carolina, Session 1915, as amended. The mayor and said five aldermen, as elected, and the two aldermen elected by the Town of Jonesboro, as provided herein, shall be and constitute the Mayor and seven Aldermen of the Town of Sanford and shall take office on July 1st, 1947, and

Election of Mayor and five Aldermen, Town of Sanford.

Constitution of Mayor and Aldermen, Town of Sanford, from and after July 1, 1947.

be and constitute the governing body of the Town of Sanford, after qualification.

Provision for election of Mayor and Aldermen, 1949, and subsequently.

SEC. 6. That at the regular election to be held on Tuesday after the first Monday in May, 1949, and thereafter biannually, there shall be elected for the Town of Sanford a mayor and seven aldermen, one of said aldermen shall be a resident of each of the seven wards of the Town of Sanford, as provided by this Act, and shall be voted on by all of the qualified voters of the Town of Sanford, as provided in Chapter 380, Private Laws of the State of North Carolina, Session 1915, as amended, and shall take office as provided thereby.

New registration for May, 1947, election, Town of Sanford.

SEC. 7. That for the purpose of the election to be held on the Tuesday after the first Monday in May, 1947, there shall be a new registration of all voters living within the boundary lines of that portion of the Town of Sanford created by House Bill No. 285, ratified by the General Assembly of North Carolina on the 26th day of February, 1947.

Transfer of Jonesboro assets to Town of Sanford.

SEC. 8. That on July 1st, 1947, all assets of the Town of Jonesboro, including cash, bonds, notes, taxes due, accounts receivable, tax sales certificates, and all other property or assets of whatsoever kind or nature of said town shall be transferred and assigned to the Town of Sanford.

Assumption of Jonesboro obligations by Town of Sanford.

SEC. 9. That on July 1st, 1947, the full liability for any and all obligations of whatsoever kind or nature, including bonded indebtedness, the Town of Jonesboro, outstanding, shall be assumed by the Town of Sanford, and the full faith and credit of the Town of Sanford shall be pledged to the prompt payment of such obligations.

Transfer of Jonesboro records and official papers.

SEC. 10. That all records and other official papers of the Town of Jonesboro shall be transferred to the Office of the Town Clerk of the Town of Sanford on July 1st, 1947.

Transfer of tax lists of Jonesboro to Town of Sanford.

Taxation of property in Jonesboro.

SEC. 11. That on July 1st, 1947, all tax lists and abstracts made by the Town of Jonesboro for the year 1947 shall be transferred to the Town of Sanford and all property located in the area heretofore the Town of Jonesboro shall be taxed by the governing body of the Town of Sanford for the year 1947, on the same basis as tax levied against property in the Town of Sanford.

Application of Sanford Charter and ordinances to former Jonesboro areas.

SEC. 12. That on July 1st, 1947, all provisions of the charter and ordinances of the Town of Sanford shall become effective in the area formerly constituted within the boundaries of the Town of Jonesboro; and Chapter 300 of the Public-Local and Private Laws of North Carolina, Session 1941, and all amend-

ments thereto, and all ordinances of the Town of Jonesboro are hereby repealed.

Jonesboro ordinances repealed.

SEC. 13. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Partial invalidity provision.

SEC. 14. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed; but the repeal of the laws incorporating the Town of Jonesboro, including amendments thereto, shall in no way or manner be understood or taken as invalidation of any bonds or other obligations outstanding against the Town of Jonesboro.

Conflicting laws repealed.

Jonesboro bonds and other debts not invalidated.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 529 CHAPTER 473

AN ACT TO AMEND SECTION 130-102 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CERTIFIED COPIES OF BIRTH CERTIFICATES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 130-102 of the General Statutes of North Carolina by adding thereto a new Subsection to be designated as Subsection (1), which said Subsection shall read as follows:

G. S. § 130-102, relating to birth certificates, amended.

In lieu of a certified copy of the record of any birth or death registered under the provisions of this Article, the State Registrar may, upon request, supply to any applicant a photostatic copy of such record with a photostatic copy of the certificate of the State Registrar signed by a facsimile of his signature; and such photostatic copy of the record of a birth or death shall be prima facie evidence in all courts and places of the facts therein stated. The State Registrar shall have the power and authority to appoint one or more employees or agents of the North Carolina State Board of Health; and upon such appointment by the State Registrar, said employees or agents shall have the power and authority to issue a certified copy

Photostatic copies of birth record authorized.

Prima facie evidence.

Authority of Health Board employees to issue certified copies of birth and death records.

of the record of any birth or death registered under the provisions of this Article and to sign the name of or affix a facsimile of the signature of the State Registrar to the certification of said copy; and any copy of a record of a birth or a death, with the certification of same, so signed or the facsimile of the State Registrar affixed thereto shall be prima facie evidence in all courts and places of the facts therein stated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 530 CHAPTER 474

AN ACT TO AMEND CHAPTER 1030 OF THE SESSION LAWS OF 1945 RELATING TO THE APPOINTMENT OF MEMBERS OF DISTRICT OR COUNTY BOARDS OF HEALTH.

The General Assembly of North Carolina do enact:

Ch. 1030, Session Laws, 1945 (G. S. § 130-66), amended.

SECTION 1. Subsection (3) of Section 130-66 of the General Statutes of North Carolina as set out in Chapter 1030 of the Session Laws of 1945 is hereby amended by inserting in line six of said Subsection after the word "schools" and before the word "these" the following:

Appointment of ex officio members of District of County Boards of Health.

Terms.

These ex officio members shall be appointed by the State Health Officer during the first week of each December following the General Election in which Members of the General Assembly are elected and shall serve for a period of two years from and after date of appointment. The terms or appointments of all ex officie members heretofore made prior to the effective date of this Act shall end on the 30th day of November, 1948.

Ch. 1030 (G. S. § 130-66), amended further.

SEC. 2. Subsection (3) of Section 130-66 of the General Statutes of North Carolina as set out in Chapter 1030 of the Session Laws of 1945 is hereby amended by adding to said Subsection (3) a paragraph to be designated as paragraph (a) which said paragraph shall read as follows:

(a) All vacancies in the ex officio membership of a district board of health caused by death, resignation or any other reason, shall be filled by appointments made by the State Health Officer. Such appointments shall be made from any of the public officers or officials of the county of the member causing the vacancy, and the duties of such public officials as members of said district board of health shall be ex officio duties. Such appointments to fill vacancies of ex officio members shall be for the unexpired term of the member or members causing the vacancy or vacancies and shall extend until the time for the next regular appointments of ex officio members. All vacancies in membership of the public members of a district board of health shall be filled by the district board of health at its next regular meeting following the creation of the vacancy. The member or members appointed to fill a vacancy of a public member shall be from the same county as the member causing the vacancy. In case any public member so appointed is a public officer or official, his membership and duties on the district board of health as a public member shall be deemed to be ex officio.

Filling of vacancies of ex officio members, health boards.

Appointments for unexpired term only.

Filling of vacancies, public members, district health boards.

Effect when appointee is public official.

SEC. 3. Section (1) of Section 130-18 of the General Statutes of North Carolina as set out in Chapter 1030 of the Session Laws of 1945 is hereby amended by adding to said Section a Subsection to be designated as Subsection (a), which said Subsection (a) shall read as follows:

G. S. § 130-18 (Ch. 1030, Session Laws, 1945) amended.

All vacancies in membership of the public members of a county board of health shall be filled by the county board of health at its next regular meeting following the creation of the vacancy. In case any public member appointed to fill a vacancy is a public official or officer, his duties as a member of said county board of health shall be deemed to be ex officio.

Filling of vacancies, public members, county health boards.

Effect when appointee is public official.

SEC. 4. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 551 CHAPTER 475

AN ACT TO AMEND SECTION 163-31 OF THE GENERAL STATUTES OF NORTH CAROLINA PROVIDING FOR THE REGISTRATION OF VOTERS WHEN THE REGISTRATION BOOKS HAVE BEEN DESTROYED OR MUTILATED.

The General Assembly of North Carolina do enact:

G. S. § 163-31, amended.

SECTION 1. That Section 163-31 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows:

Provision for new registration of voters when books destroyed or mutilated.

In the event that the registration books for any township, ward or precinct shall, prior to thirty days preceding any primary, general, or special election, be destroyed from fire or other cause or shall become mutilated to the extent that such books can no longer be used, new registration books shall be provided for the registration of voters in such township, ward or precinct and such new registration books shall be opened for the registration of voters at the times and places and in the manner prescribed by this Section. Such new registration books may thereafter be used in such township, ward or precinct for all general, primary or special elections, including municipal elections. Notice of such new registration shall be given by advertisement in a newspaper published in the municipality or county in which such township, ward or precinct is located at least ten days before the opening of the new registration books and such notice shall also state the location of the polling place and the name of the registrar for such township, ward or precinct. When a special registration is held under this Act the Saturday for challenge day may be combined with the last Saturday for registration, so that voters may be registered on challenge day when time does not permit an extra Saturday for challenge day prior to any primary or election.

Use of new registration books.

Notice of new registration.

Challenge day.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 579 **CHAPTER 476**

AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES RELATING TO THE CORPORATE POWERS OF SANITARY DISTRICTS SO AS TO CONFER SUCH POWERS ON DISTRICTS ADJOINING CITIES HAVING A POPULATION OF LESS THAN FIFTY THOUSAND.

The General Assembly of North Carolina do enact:

G. S. § 130-39, as to corporate powers of sanitary districts, amended.

SECTION 1. That Section 130-39 of the General Statutes be amended by striking out the last paragraph of Subsection 15.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 582 **CHAPTER 477**

AN ACT TO AMEND CHAPTER 186 OF THE PRIVATE LAWS OF 1909 RELATING TO THE CHARTER OF THE TOWN OF EDENTON SO AS TO GRANT TO THE TOWN CERTAIN POWERS WITH RESPECT TO PROPERTY LEASED FROM THE UNITED STATES NAVY DEPARTMENT.

The General Assembly of North Carolina do enact:

Ch. 186, Private Laws, 1909, amended.

SECTION 1. Chapter 186 of the Private Laws of 1909 is hereby amended by adding a new Section immediately following Section 34 thereof, to be designated as Section 34½, and to read as follows:

Town of Edenton granted powers with respect to Naval Air Station, Edenton, under lease to Town.

SEC. 34½. The governing body of the Town of Edenton, in addition to all other powers granted by any other provisions of law, is hereby granted the following powers with respect to that property known as the Naval Air Station, Edenton, comprising some three thousand ninety-six (3,096) acres of land with the buildings, facilities and other improvements thereon, which said town has leased from the United States Navy Department through the Bureau of Yards and Docks under a revocable lease and for an indeterminate length of time:

Police protection for area.

(1) To provide police protection for such above described property and to appoint police officers in order to furnish such police protection; and to this end police officers appointed by the governing body of the Town of Edenton shall have the same authority as peace officers on such leased property as they now have within the corporate limits of the Town of Edenton;

Fire protection.

(2) To provide fire protection; and all firemen while on such property, or going to and from such property to the Town of Edenton, shall be subject to the same laws, rules and regulations and shall have the same privileges granted and rights as if such duties were being performed within the corporate limits of the Town of Edenton;

Provision for utility services.

(3) To provide with respect to such above described property such utilities as may be desirable including, but not by way of limitation, water, sewer systems, electricity, and any and all other utilities which the governing body may approve;

Power to make sub-leases of parts of property.

(4) To lease to private individuals or corporations, subject to the terms of its own lease, such part or parts of said above described property as the governing body may see fit; and

Adoption of ordinances, exercise of other powers, as to N.A.S. property.

(5) To adopt ordinances and resolutions and to exercise all the powers with respect to such above described property which the governing body now has with respect to territory within the corporate limits, subject to the provisions of the lease from the United States Navy.

Limitation of powers.

The powers granted in this Section with respect to the above described property shall terminate upon the termination of the lease under which the Town of Edenton holds such property.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 586 CHAPTER 478

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CHEROKEE.

Preamble:

Pay of Cherokee County Commissioners limited.

WHEREAS, the Members of the Board of Commissioners for the County of Cherokee, commonly known as the board of county commissioners, only receive five dollars ($5.00) per day for their services; and

WHEREAS, owing to the many activities of the board it is frequently necessary for the chairman of the board to make trips and attend in the county seat and elsewhere when the board is not actually in session: *Now, therefore,*

Chairman of Board required to render services between meetings.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chairman of the Board of Commissioners of Cherokee County shall receive as compensation, in lieu of all other fees now or hereafter allowed by law, the sum of twenty-five dollars ($25.00) per month, to be paid monthly, together with five cents (5c) per mile for each mile necessarily travelled by him in the performance of his duties as chairman and member of said board of commissioners.

Compensation of Chairman, Cherokee County Commissioners.

Travel expenses.

SEC. 2. That the Members of the Board of Commissioners of Cherokee County, other than the chairman, shall receive as compensation the sum of ten dollars ($10) per day for each day spent in attending meetings of the board of commissioners and five cents (5c) per mile for each mile travelled in attendance upon such meetings.

Compensation of Board members increased.

Travel expenses.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 591 **CHAPTER 479**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE FOR EXTENSION OF THE CORPORATE LIMITS AS HEREINAFTER PROVIDED.

The General Assembly of North Carolina do enact:

SECTION 1. The present corporate limits of the City of Wilmington, as the same now exist, shall be and are hereby extended to include the following described territory:

Corporate limits, City of Wilmington, extended.

Beginning at a concrete monument in the city limits line of the City of Wilmington, said monument being on a line 200 feet to the South of the southern line of Hydrangea Place and 661.72 feet West of the western line of Country Club Boulevard, thence South 62 degrees 34 minutes West 200.64 feet to a concrete monument, thence South 74 degrees 39 minutes West 110.5

Boundaries of extended area.

feet to a concrete monument, thence North 60 degrees 52 minutes West 923.92 feet to a concrete monument, thence on same bearing to a point in the eastern right-of-way line of the Atlantic Coast Line Railroad, which also is city limits line of the City of Wilmington, thence in a northeastwardly direction along said right-of-way and city limits line to a point formed by intersection of a line parallel to Hydrangea Place and 200 feet South from the southern line thereof and said right-of-way line; thence in an easterly direction parallel to Hydrangea Place and 200 feet to the South of the southern line thereof to the point of beginning, the described tract being a portion of Pine Court Subdivision and a portion of the Lingo City tract lying adjacent to and to the South of the present city limits of the City of Wilmington.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 597 CHAPTER 480

AN ACT TO FIX THE SALARIES OF CONSTABLES IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Salary of constables, Craven County.

SECTION 1. Effective as of January 1st, 1947, all constables in Craven County shall receive a salary of twenty-five dollars ($25.00) per month, to be paid by the county commissioners out of general county funds. This salary shall be in addition to any other compensation to which constables in Craven County may be entitled.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 599 **CHAPTER 481**

AN ACT TO FIX THE COMPENSATION OF OFFICERS, JURORS AND WITNESSES IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Sheriff, Craven County.

SECTION 1. That the Sheriff of Craven County shall receive for his own use all fees allowed by law to the sheriff and said county shall pay him necessary traveling expenses when official duty requires him or his deputy to go beyond Craven County, and in addition thereto, a salary of not less than five thousand five hundred dollars ($5,500.00) per annum, which salary the board of commissioners for said county may in its discretion increase to an amount not exceeding seven thousand two hundred dollars ($7,200.00) per annum. The salary of said sheriff shall be paid in equal monthly payments and said fees and salary shall be full compensation for all duties performed and services rendered by said sheriff and all deputies, assistants and clerks appointed or hired by him except a jailer. Said sheriff may appoint a jailer, whose salary shall be fixed by said board of commissioners and paid by said county.

Limitation of amount.

Amount to include deputies, assistants, except jailer.

Salary of jailer.

Salary of Clerk of Superior Court.

Salary of Juvenile Court Judge.

Salary of Clerk, Recorder's Court.

Increases authorized.

Monthly installments.

SEC. 2. That the Clerk of the Superior Court of said county shall be paid a salary of not less than four thousand ($4,000.00) per annum; the judge of the juvenile court shall be paid a salary of not less than four hundred dollars ($400.00) per annum; and the clerk of the recorder's court shall be paid a salary of not less than six hundred dollars ($600.00) per annum. The board of commissioners for said county may in its discretion increase said salaries of the Clerk of the Superior Court, the judge of the juvenile court and the clerk of the recorder's court not more than twenty-five per cent (25%) thereof. The salaries of said officers shall be paid in equal monthly payments and shall be full compensation for all duties performed and services rendered by said Clerk of the Superior Court, judge of the juvenile court or the clerk of the recorder's court or by any deputy, assistant or clerk appointed or hired by either of them.

Compensation of Register of Deeds.

SEC. 3. That the register of deeds of said county shall be paid a salary of not less than five thousand dollars ($5,000.00) per annum, which salary the board of commissioners for said county may in its discretion increase not more than twenty-five per cent (25%) thereof. The salary of the register of deeds shall be paid in equal monthly payments and shall be full compensation for all duties performed and services rendered by him or by any deputy, assistant or clerk appointed or hired by him.

Regular meetings, Board of Commissioners.

SEC. 4. That the board of commissioners for said county shall hold a regular meeting at the courthouse on the first Monday in every month and the meeting may be adjourned from day to day until the business before it is disposed of.

Special meetings.

Special meetings may be held at other times for the dispatch of business at the call of the chairman, or on the written request of two members of the board, but timely notice of the time and place of all such called meetings shall be given to all members of the board.

Salary of Board Chairman.

The chairman of the board shall be paid a salary of not less than six hundred dollars ($600.00) nor more than twelve hundred dollars ($1,200.00) per annum, the amount to be fixed by the board and paid in equal monthly payments; and in addition thereto the chairman shall be paid his necessary

Travel expenses.

traveling expenses and mileage at the rate of five cents (5c) per mile when he is traveling in the interest of said county.

Compensation of Commissioners.

Each county commissioner, other than the chairman, shall receive ten dollars ($10.00) per day for his services in attending meetings of the board and while serving as committeemen appointed by the board to attend to business of the board, and

Travel expenses.

in addition thereto his necessary traveling expenses and mileage at the rate of five cents (5c) per mile; but said commissioners

Limitation of pay.

shall not be paid for more than four special meetings held in any month.

Compensation of jurors.

SEC. 5. That all jurors in the Superior Court of said county other than special veniremen and tales jurors shall receive such an amount per day as said board of commissioners may fix at not less than two dollars ($2.00) nor more than five dollars

Travel expenses.

($5.00) per day and mileage at the rate of five cents (5c) per mile coming to the county seat and returning home. Special veniremen and tales jurors shall receive such an amount per day as said board of commissioners may fix at not less than two dollars ($2.00) nor more than four dollars ($4.00) per day. Special veniremen who have been accepted on the panel in the trial of any cause shall receive the pay and mileage of regular jurors.

Fees of witnesses.

SEC. 6. That the fees of witnesses, whether attending at a term of the Superior Court or before the Clerk, or a Referee, or Commissioner, or Arbitrator, shall be such an amount per day as said board of commissioners may fix at not less than one dollar ($1.00) nor more than three dollars ($3.00) per day

Travel expenses.

and mileage at the rate of five cents (5c) per mile for every mile necessarily traveled from their respective homes in going to and returning from the place of examination.

SEC. 7. That all fees of every nature and kind received by any officer of said county whose salary is fixed by this Act, or by any such officer's deputy, assistant or clerk by color of such office, and all fees allowed by law and which should be collected by such officer, his deputy, assistant or clerk, shall be daily paid over and deposited to the credit of Craven County in a depository designated by said board of commissioners and become part of the general fund of said county: *Provided*, this Section shall not apply to the sheriff of said county.

Fees received by certain officials, Craven County, payable into general fund.

Not applicable to Sheriff.

SEC. 8. That the discretionary powers vested by this Act in said board of commissioners shall be exercised by resolution duly adopted by and recorded in the minutes of meetings of said board, and not otherwise. A resolution reducing the salary or compensation of an officer shall not be effective until the expiration of thirty days after the officer affected thereby has been served with a copy of such resolution.

Procedure for exercising powers conferred on commissioners.

SEC. 9. The compensation and salaries herein provided for shall be effective as of January 1st, 1947.

Effective date of compensation fixed by this Act.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 608 **CHAPTER 482**

AN ACT TO AMEND CHAPTER 15 OF THE GENERAL STATUTES, RELATING TO TRIAL IN THE SUPERIOR COURT AFTER APPEAL FROM A JUSTICE OF THE PEACE OR OTHER INFERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 15 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following Section 15-177 to be designated as Section 15-177.1, and to read as follows:

G. S., Ch. 15, amended.

SEC. 15-177.1. Appeal from justice of the peace or inferior court; trial anew or de novo. In all cases of appeal to the Superior Court in a criminal action from a justice of the peace or other inferior court, the defendant shall be entitled to a trial anew and de novo by a jury, without prejudice from the former proceedings of the court below, irrespective of the plea entered or the judgment pronounced thereon.

Right to trial de novo upon appeal from J. P. or inferior court in criminal cases; no prejudice from prior proceedings.

Conflicting laws repealed.

SEC. 2. All laws or clauses of laws in conflict herewith are repealed.

SEC. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times, and ratified, this the 25th day of March, 1947.

H. B. 611 CHAPTER 483

AN ACT TO AMEND SECTION 3 OF CHAPTER 298 OF THE PUBLIC-LOCAL LAWS OF 1933 RELATING TO THE OFFICIAL COURT REPORTER FOR THE SUPERIOR COURT OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 298, Public-Local Laws, 1933, amended.

SECTION 1. Section 3 of Chapter 298 of the Public-Local Laws of 1933, being an Act providing for an official court reporter for the Superior Court of Buncombe County, is hereby amended by striking out the first sentence in said Section and by inserting in lieu thereof the following:

Salary of Court Reporter, Buncombe County.

The official reporter herein provided for shall receive a salary of three hundred dollars ($300.00) per month, payable in the same manner in which other employees of Buncombe County are paid, and shall be allowed the privilege of requisitioning the purchasing agent of Buncombe County during each calendar month for supplies not to exceed the value of ten dollars ($10.00).

Ch. 298, further amended as to charges for transcripts.

SEC. 2. Section 3 of said Chapter 298 is hereby further amended by striking out of said Section the words beginning with the words "provided, however" in line 11 thereof, through and including the words "ten cents (10c) per page," in line 15 thereof, and inserting in lieu thereof the following:

Resident Judge and Chairman, County Commissioners, authorized to fix transcript charges.

The resident judge and the chairman of the board of county commissioners are hereby vested with the power and authority to fix a transcript rate which such reporter is hereby authorized to charge for transcripts ordered by parties involved in any case in said court, and the above-named officials are hereby directed to fix such transcript rate; such transcript rate to be so fixed in no event to be more than twenty-five cents (25c) per page for the original sheet and ten cents (10c) per page for each carbon copy furnished.

Limitation of charges.

SEC. 3. This Act shall apply only to Buncombe County. Application of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 620 **CHAPTER 484**

AN ACT TO AMEND G. S. 30-32, G. S. 46-19, AND G. S. 105-391 SUBSECTIONS Q AND R RELATING TO THE TIME FOR FILING EXCEPTIONS TO AND CONFIRMATION OF SALES AND REPORTS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 30-32 is hereby amended by striking out the word "twenty" in line three between the word "within" and the word "days" and inserting in lieu thereof the word "ten." G. S. § 30-32, amended as to time for excepting to report assigning widow's allowance.

SEC. 2. G. S. 46-19 is hereby amended by striking out the word "twenty" in line two between the word "within" and the word "days" and inserting in lieu thereof the word "ten." G. S. § 46-19, amended as to time for excepting to report of sale for partition.

SEC. 3. G. S. 105-391, Subsection (q) is hereby amended by striking out the word "twenty" in line two of said Subsection (q) between the word "within" and the word "days" and inserting in lieu thereof the word "ten." G. S. § 105-391, amended as to time for excepting, tax foreclosure sales.

SEC. 4. G. S. 105-391, Subsection (r) is hereby amended by striking out the word "twenty" in line two of said Subsection (r) between the word "said" and the word "days" and inserting in lieu thereof the word "ten"; and by striking out the word "twenty" in line eight of said Subsection (r) between the word "and" and the word "days" and inserting in lieu thereof the word "ten." G. S. § 105-391, amended as to time for confirming tax foreclosure sales.

SEC. 5. Estates, Proceedings and Actions Pending Not Affected. Estates, proceedings and actions pending on June 30th, 1947, shall not be affected by the provisions of this Act. Application of Act to matters pending June 30, 1947.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 629 **CHAPTER 485**

AN ACT TO AUTHORIZE THE STATE BOARD OF CONSERVATION AND DEVELOPMENT TO PERMIT THE LESSEES OF CERTAIN OYSTER BEDS TO USE THE SAME FREE FROM RENTAL DURING THE COURSE OF THEIR REHABILITATION AND REPLANTING.

Preamble: Destruction of oyster beds near Camp Davis, Onslow County.

WHEREAS, the close proximity to Camp Davis in Onslow County, North Carolina, oyster beds theretofore cultivated by various residents in said vicinity have been destroyed by action of agencies of Camp Davis by the spreading of DDT and other insecticides in said section, and by the dumping of chemicas through disposals, soap from laundry, etc., in the waters n which said oyster beds were situated; and

Damages suffered by lessees of oyster beds.

WHEREAS, the livelihood of the lessees of said oyster beds have been decreased by approximately 90 per cent, and they have suffered damages on account thereof; and

Rehabilitation of beds necessary.

WHEREAS, it is necessary for the lessees to continuouly rehabilitate and plant the oyster beds in order that the said beds would become productive; and

Productivity of oyster beds damaged.

WHEREAS, the productivity of said beds has been destroed and damaged as hereinbefore stated; and

Payment of rent by lessees during non-productivity.

WHEREAS, during the period of non-productivity the lesees have been continuously paying rent and undergoing the expnse of rehabilitating and planting the said oyster beds; and

No action on claims by lessees against U. S.

WHEREAS, claim has been made with the United Sates Government by the lessees of said beds for damages sustained to approximately twenty-two hundred (2200) acres of said oyster beds, but no action on said claim has been taken and

Lessees willing to continue use of beds under certain conditions.

the lessees of said oyster beds are willing, if damages arepaid by the Government, to pay the State of North Carolina Doartment of Conservation and Development for the use of said oyster beds for the next two years, which said rental is pyable on April 1st, 1947, and April 1st, 1948, provided the nited States Government reimburses them for their loss: *Now, herefore,*

The General Assembly of North Carolina do enact:

Conservation and Development Board authorized to allow use of said oyster beds, two years, rent free.

SECTION 1. That the Board of Conservation and Devepment of the State of North Carolina be, and it is hereby, auorized to allow the use of said oyster beds for a period of tv years from and after April 1st, 1947, by the present lessees of said beds, free from rental, and that on and after April 1, 1949,

the present lessees of said beds shall have the right to continue to use the same under the terms of their present leases or any renewal thereof. And further that the Department of Conservation and Development will guarantee the present lessees all rights as held at the present time. Future rights.

SEC. 2. That in the event the lessees of said beds are compensated by the United States Government for damages thereto as set out in the preamble to this Act, said lessees shall pay to the State of North Carolina the rental on said beds prescribed in the lease for the period April 1st, 1947—April 1st, 1949, otherwise, the said lease shall expire on April 1st, 1949, and said lessees shall have no further right to use said beds. Payment of rental by lessees upon certain contingencies. Effect of nonpayment.

SEC. 3. That this Act shall only apply to the oyster beds from the Pender County line up to and including Alligator Bay. Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H.B. 631 CHAPTER 486

AN ACT TO INCREASE THE SALARIES OF CERTAIN OFFICIALS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The salary of the Sheriff of Pasquotank County is hereby increased in the amount of two hundred dollars ($200.00) annually. Salary of Sheriff, Pasquotank County.

SEC. 2. The salary of the County Accountant of Pasquotank County is hereby increased in the amount of four hundred dollars ($400.00) annually. Salary of County Accountant.

SEC. 3. The salary of the Register of Deeds of Pasquotank County is hereby increased in the amount of five hundred dollars ($500.00) annually. Salary of Register of Deeds.

SEC. 4. The salary of the Clerk of the Superior Court is hereby increased in the amount of eight hundred dollars ($800.00) annually. Salary of C.S.C.

SEC. 5. The increases in salaries authorized in this Act shall be payable in twelve monthly installments in the same manner as salaries of said officials are now paid. Installment payments.

Retroactive effect.

SEC. 6. Such increases are hereby declared to be retroactive to February 1st, 1947, and the appropriate monthly installments shall be paid for service rendered prior to the ratification of this Act and subsequent to February 1st, 1947.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 632 CHAPTER 487

AN ACT FIXING THE SALARIES OF CERTAIN PUBLIC OFFICIALS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Salary of C.S.C., Alamance County.

SECTION 1. That on and after March 1st, 1947, the Clerk of Superior Court of Alamance County shall receive an annual salary of four thousand eight hundred dollars ($4,800.00) payable in monthly installments from the Treasury of Alamance County, and that said Clerk of Superior Court of Alamance County shall not receive any additional salary for service as juvenile judge.

Salary of Sheriff.

SEC. 2. That on and after March 1st, 1947, the Sheriff of Alamance County shall receive an annual salary of three thousand seven hundred dollars ($3,700.00), together with an extra allowance of one thousand two hundred dollars ($1,200.00), payable in monthly installments from the Treasury of Alamance County.

Salary of Register of Deeds.

SEC. 3. That on and after March 1st, 1947, the Register of Deeds of Alamance County shall receive an annual salary of three thousand seven hundred dollars ($3,700.00), payable in monthly installments from the Treasury of Alamance County.

Sec. 4, Ch. 222, Session Laws, 1945, repealed, as to war bonus certain officials.

SEC. 4. That Section 4 of Chapter 222 of the 1945 Session Laws be and the same are hereby repealed.

Amendment of County Budget, 1946-47, authorized.

SEC. 5. The Board of Commissioners of Alamance County are hereby authorized and empowered to amend its budget heretofore adopted for the fiscal year 1946 and 1947, so as to provide for the payments specified in this Chapter.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 636 **CHAPTER 488**

AN ACT TO VALIDATE CERTAIN ACTS OF CECIL C. HOLT AS A NOTARY PUBLIC.

Preamble: Cecil C. Holt, Rowan County, duly commissioned Notary Public.

WHEREAS, Cecil C. Holt of Rowan County, Spencer, North Carolina, was duly commissioned a notary public on the twenty-eighth day of October, 1944; and

Failure of said Notary to qualify until Oct. 29, 1946.

WHEREAS, the said Cecil C. Holt inadvertently failed to take oath and qualify before the clerk of the court of said county as provided by law until the twenty-ninth day of October, 1946, at which time a new commission was issued, and did, during the period of October 28th, 1944 up to October 29th, 1946, take acknowledgments and perform certain other acts as a notary public without having taken the oath and qualified as aforesaid: *Now, therefore,*

Acts performed prior to qualification.

The General Assembly of North Carolina do enact:

Certain acts and acknowledgments of Cecil C. Holt, Notary Public, validated.

SECTION 1. That all acknowledgments and other acts of the said Cecil C. Holt as a notary public from October 28th, 1944, up to and including October 28th, 1946, be and the same are hereby validated: *Provided,* that this Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 648 CHAPTER 489

AN ACT RELATING TO THE FEES OF THE MAYOR AND POLICEMEN OF THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

Fees collected in Mayor's Court, Bryson City, payable to Town treasurer.

SECTION 1. That all fees required or allowed by law to be collected in the Mayor's Court of the Town of Bryson City and paid over to the mayor and policemen of said town shall be collected by the mayor of said town and turned over by him to the treasurer of said town to be deposited in and credited to the general fund of said town, and the said mayor shall at all times use all reasonable diligence and exercise all authority granted to or conferred upon him by law to enforce the collection of said fees.

Maintenance of records of receipts and disbursements by Mayor required.

SEC. 2. The mayor of said town shall keep and maintain a complete record of all cases handled and disposed of by him, together with a record of all receipts and disbursements made by him, in the same manner as is required of Justices of the Peace in the State of North Carolina, and his said records shall be open to inspection at all times by the Board of Aldermen of said Town of Bryson City and subject to audit by the Certified Public Accountant who audits the books of the Town of Bryson City.

Subject to audit and inspection.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 650 CHAPTER 490

AN ACT TO AMEND SECTION 161-10 OF THE GENERAL STATUTES AND CHAPTER 63 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, EXTRA SESSION 1920, FIXING THE FEES OF THE REGISTER OF DEEDS OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Register of Deeds, Chowan County; right to receive fees in excess of present allowances.

SECTION 1. The Register of Deeds of Chowan County shall be entitled to receive fees in excess and in lieu of those allowed in Section 161-10 of the General Statutes of North Carolina,

and Chapter 63 of the Public-Local Laws of North Carolina, Extra Session 1920, as follows:

Recording and indexing chattel mortgages.

For recording, indexing and cross indexing statutory form of chattel mortgage, seventy-five cents (75c);

Cancelling chattel mortgages.

For cancelling chattel mortgage, twenty-five cents (25c);

Indexing deeds of trust.

For indexing and cross indexing deeds and deeds of trust, ten cents (10c) per additional name all over two names constituting grantors, and all over one name constituting grantees;

Registration of deeds and other instruments.

For registering any deed or other writing authorized to be registered, one dollar and fifty cents ($1.50) for the first three hundred words, and twenty-five cents (25c) for each additional one hundred words.

Other fees as in G. S. § 161-10 and Ch. 63, Public-Local Laws, Ex. Sess., 1920.

SEC. 2. All other fees provided for in said G. S. 161-10 and Chapter 63 of the Public-Local Laws of North Carolina, Extra Session 1920, shall remain in full force and effect.

Application of Act.

SEC. 3. This Act shall apply only to Chowan County.

SEC. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 662 CHAPTER 491

AN ACT RELATING TO THE COMPENSATION AND EXPENSE OF THE OFFICES OF THE SHERIFF, TAX SUPERVISOR, REGISTER OF DEEDS AND MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Monthly payments to C.S.C., Ashe County, for official use, directed.

SECTION 1.. The Board of Commissioners of Ashe County is authorized and directed to pay to the Clerk of the Superior Court of Ashe County the sum of fifty dollars ($50.00) per month to be used by him in connection with the duties of his office.

Travel expense payments to Sheriff.

SEC. 2. The Board of County Commissioners of Ashe County is authorized and directed to pay to the Sheriff of Ashe County the sum of fifty dollars ($50.00) per month for expense for travel within the county.

Compensation of Tax Supervisor.

SEC. 3. The compensation of the Tax Supervisor of Ashe County shall be determined and paid by the board of county commissioners.

Register of Deeds authorized to retain certain amounts from fees.

SEC. 4. The Register of Deeds of Ashe County shall be allowed to charge and retain, as a part of the fees of his office, for his own personal use the sum of one dollar and fifty cents ($1.50) for each deed and each deed of trust recorded in his office; and in addition thereto, he shall be permitted to make a twenty per cent (20%) increase on all other fees assessed for recording written instruments within his office.

Compensation of Ashe County Commissioners.

SEC. 5. Each member of the Board of County Commissioners of Ashe County shall receive a per diem of seven dollars and fifty cents ($7.50) per day for each day they attend meetings of the board for the transaction of county business.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 666 CHAPTER 492

AN ACT TO EXTEND THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF CHAPEL HILL AND CARRBORO, IN ORANGE COUNTY, TO INCLUDE ALL OF THE TERRITORY UNDER THE JURISDICTION OF THE CHAPEL HILL RECORDERS COURT.

The General Assembly of North Carolina do enact:

Jurisdiction of police officers, Chapel Hill and Carrboro, extended.

SECTION 1. The Chief of Police and each and every Member of the Police Department of the Town of Chapel Hill and the Town of Carrboro in Chapel Hill Township, Orange County, are hereby given the same jurisdiction and power in all territory under the jurisdiction of the Chapel Hill Recorder Court as are now exercised by said police officers within the corporate limits of their respective municipalities.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 670 **CHAPTER 493**

AN ACT TO AMEND CHAPTER 373 OF THE PUBLIC-LOCAL LAWS OF 1941 AND CHAPTER 264 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE PAY OF JURORS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Sec. 8, Ch. 373, Public-Local Laws, 1941, re-written.

SECTION 1. That Section 8 of Chapter 373 of the Public-Local Laws of 1941 be, and the same is hereby, amended to read as follows:

Pay of jurors, Superior Court, Rutherford County.

SEC. 8. All regular jurors and special veniremen in the Superior Court of Rutherford County shall receive such amount per day for their services as the board of commissioners of said county may fix, not less than two dollars ($2.00) per day and not more than five dollars ($5.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public travel. Tales jurors shall receive such an amount per day for their attendance upon court as may be fixed by the Board of County Commissioners of Rutherford County, not to exceed three dollars ($3.00) per day.

Sec. 8, Ch. 564, Public-Local Laws, 1913, as amended, further amended.

SEC. 2. That Section 8 of Chapter 564 of the Public-Local Laws of 1913, as amended by Section 2 of Chapter 264 of the Public-Local Laws of 1939, be, and the same is hereby amended by striking out the last sentence in said Section, and substituting therefor the following:

Pay of jurors, Recorder's Court, Rutherford County.

All jurors in the recorder's court shall receive such an amount per day as the Board of County Commissioners of Rutherford County may fix, in an amount of not less than two dollars ($2.00) per day and not more than five dollars ($5.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public travel.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 672 **CHAPTER 494**

AN ACT TO AMEND SECTION 116-20 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EMPOWER THE SUPERIOR COURT TO ORDER ESCHEATED REAL PROPERTY SOLD AT PUBLIC SALE BY COMMISSIONER UPON PETITION OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. § 116-20, amended.

SECTION 1. That Section 116-20 of the General Statutes of North Carolina be amended by adding at the end of said Section the following:

Conveyance of escheated real estate; method.

Title to any such real property which has escheated to the University of North Carolina, shall be conveyed by deed in the manner now provided by Sections 143-146 to and including 143-150 of the General Statutes of North Carolina: *Provided,* that in any action in the Superior Court of North Carolina wherein the University of North Carolina is a party, and wherein said court enters a judgment of escheat in behalf of the University of North Carolina for any real property, then, upon petition of the University of North Carolina in said action,

Authority of Court to name Escheat Officer as sale commissioner for public sale in civil action.

said court shall have the authority to appoint the Escheat Officer of the University of North Carolina as a commissioner for the purpose of selling said real property at a public sale, for cash, at the courthouse door in the county in which the property is located, after properly advertising the sale according to law. The said commissioner, when appointed by the court,

Conveyance of valid title to purchaser.

shall have the right to convey a valid title to the purchaser of the property at public sale, but only after said sale shall have first been confirmed and approved by the Comptroller of the University of North Carolina. The funds derived from the

Proceeds of sale paid to escheat fund of U.N.C.

sale of any such escheated real property by the commissioner so appointed shall thereafter be paid by him into the escheat fund of the University of North Carolina.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 685 **CHAPTER 495**

AN ACT TO PROVIDE FOR COMPENSATING CERTAIN OFFICERS AND JURORS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Compensation of County Commissioners, Mitchell County.

SECTION 1. Each of the County Commissioners in Mitchell County shall receive ten dollars ($10.00) per day and a travel allowance of five cents (5c) per mile over the usual route of travel coming to the county seat and returning home for each day's service attending regular meetings not exceeding two days per month. Each of the said commissioners shall receive five dollars ($5.00) per day and a travel allowance of five cents (5c) per mile over the usual route of travel coming to the county seat and returning home for each day's service while the said commissioners are sitting as the board of equalization.

Compensation of Sheriff.

SEC. 2. The County Commissioners of Mitchell County are hereby authorized, empowered and directed to pay the sheriff of said county the sum of three thousand dollars ($3,000.00) per year, payable in equal monthly installments, in addition to fees allowed him by law.

Compensation of Clerk of Superior Court.

SEC. 3. The County Commissioners of Mitchell County are hereby authorized, empowered and directed to pay the Clerk of the Superior Court the sum of one hundred fifty dollars ($150.00) for each term of Superior Court not exceeding three terms per year, in addition to other fees now allowed him by law.

Payments to Register of Deeds for recording military discharge and separation certificates.

SEC. 4. The County Commissioners of Mitchell County are hereby authorized, empowered and directed to pay the register of deeds fifty cents (50c) for each certificate of discharge or separation from the military service which he is required to record and fifty cents (50c) for the first certified copy of each said certificate he is required to issue. This compensation shall be in addition to compensation now received by the register of deeds.

Pay of jurors, Superior Court, Mitchell County.

SEC. 5. The County Commissioners of Mitchell County are hereby authorized, empowered and directed to pay all regular jurors in the Superior Court the sum of four dollars ($4.00) per day and a travel allowance of five cents (5c) per mile over the usual route of travel coming to the county seat and returning home for each day's service attending court or performing the duties for which they are summoned. All tales jurors shall receive only the sum of three dollars ($3.00) per day for each day's service.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 689 CHAPTER 496

AN ACT RELATING TO THE COMPENSATION OF ELECTION OFFICIALS IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Registrars and Election Judges, Ashe County.

SECTION 1. The Registrars and Judges of Election in Ashe County shall receive the same compensation for their services as such election officials as now provided by the General Election Laws of the State of North Carolina and as provided in Section 163-19 and Section 163-20 of the General Statutes.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws, and in particular, any Public-Local Act applicable to Ashe County, in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 707 CHAPTER 497

AN ACT TO FIX CERTAIN FEES OF THE SHERIFF AND JUSTICES OF THE PEACE IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Fees of Sheriff, Cabarrus County, for certain services, fixed.

SECTION 1. In Cabarrus County fees to be charged by the sheriff of said county for services rendered by him shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now fixed by law in Cabarrus County:

Schedule.

Warrant, three dollars ($3.00);
Thirty-day summons, two dollars ($2.00);
Sci. fa., two dollars ($2.00);
Subpoena, one dollar ($1.00);
Summoning jurors, seventy-five cents (75c);

Claim and delivery, three dollars ($3.00);
Serving or notifying commissioners to allot year's support, to divide land or to allot homestead, two dollars ($2.00);
Recover possession of land ejectments, two dollars ($2.00);
Serving witness, one dollar ($1.00);
Swearing in jury in division of land, one dollar ($1.00);
Executions, two dollars ($2.00).

Fees of Justices of the Peace, Cabarrus County, for certain services, fixed.

SEC. 2. In Cabarrus County fees to be charged by justices of the peace of said county for services rendered by them shall be as hereinafter set out: *Provided*, that when a fee is not fixed herein, such fee shall be charged as is now fixed by law in Cabarrus County.

Schedule.

Warrant, one dollar and fifty cents ($1.50);
Summons, two dollars ($2.00);
Subpoena, one dollar ($1.00);
Claim and delivery, two dollars ($2.00);
Allotment year's support, three dollars ($3.00);
Recover possession of land ejectments, two dollars ($2.00).

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 725 CHAPTER 498

AN ACT TO AMEND H. B. NO. 121, "AN ACT TO AMEND THE CHARTER OF THE CITY OF FAYETTEVILLE, TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES, AND FOR OTHER PURPOSES RELATIVE TO THE CITY OF FAYETTEVILLE."

The General Assembly of North Carolina do enact:

Ch. 41, Session Laws, 1947, as to city manager election, Fayetteville, amended.

SECTION 1. H. B. No. 121, ratified on the seventh day of February, 1947, by the 1947 Session of the General Assembly of North Carolina, is hereby amended by striking out the word "special" between the words "a" and "election" in Sec. 6 of H. B. No. 121, and inserting in lieu thereof the words "municipal primary."

Date of election changed.

H. B. No. 121 is further amended by striking out the words "second Tuesday in March, 1947" at the end of Sec. 6. of H. B. No. 121, and inserting in lieu thereof the following:

twenty-second day of April, 1947.

Ch. 41, amended further.

SEC. 2. Said H. B. No. 121 is hereby further amended by rewriting Sec. 7 thereof so as to read as follows:

The electors or voters qualified to vote in the municipal primary election shall vote a ballot on which shall be printed the following:

Form of ballot.

FOR ☐
AGAINST ☐ CITY MANAGER FORM OF GOVERNMENT

To vote for City Manager Form of Government, a voter shall make a cross (X) in the appropriate square.

To vote against City Manager Form of Government, a voter shall make a cross (X) in the appropriate square.

Ch. 41, amended further, as to election of councilors.

SEC. 3. H. B. No. 121 is hereby further amended by inserting between the words "election" and "for" in the first paragraph of Sec. 8 thereof the words "to be held in the year 1949."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 736 **CHAPTER 499**

AN ACT TO FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, THE REGISTER OF DEEDS AND THE COUNTY TREASURER OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Salary of Clerk of Superior Court, Guilford County.

SECTION 1. The Clerk of the Superior Court of Guilford County shall receive a salary of six thousand nine hundred dollars ($6,900.00) per annum in lieu of all fees derived by virtue of said office including all fees now paid to the clerk by the State, including inheritance tax fees and other fees allowed by the State, also said salary shall be in full compensation of the salary now allowed said clerk as juvenile court judge for the county. All interest collected by said clerk on any fund held for the county shall be paid into the general fund of the county as other fees.

Fees and interest payable into general fund.

Salary of Sheriff.

SEC. 2. The Sheriff of Guilford County shall receive a salary of fifty-six hundred and ten dollars ($5,610.00) per annum in

lieu of all fees and commissions received by his office, except those received by "part time salaried deputy sheriffs" and "unsalaried deputy sheriffs" as provided in Chapter 318 Session Laws of 1943.

Salary of Register of Deeds.

SEC. 3. The Register of Deeds of Guilford County shall receive a salary of fifty-two hundred and eighty dollars ($5,280.00) per annum in lieu of all fees and commissions received by his office.

Salary of County Treasurer.

SEC. 4. The County Treasurer of Guilford County shall receive a salary of forty-two hundred and ninety dollars ($4,290.00) per annum in lieu of all fees and commissions received by his office.

Foregoing County officials required to account for fees, etc., collected.

SEC. 5. The Clerk of the Superior Court, the sheriff, the register of deeds, and the county treasurer of said county shall faithfully collect, account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office; and said fees shall be the property of Guilford County and used as a part of the general funds of the county; excepted from the fees above enumerated shall be the fees and commissions collected by the part time salaried deputy sheriffs and the unsalaried deputy sheriffs of Guilford County hereinbefore referred to, which shall be and remain the property of these officers.

Payment of fees into general fund, Guilford County.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws, public, public-local or private, in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 23 **CHAPTER 500**

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Biennial appropriations.

SECTION 1. That appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June 30th, 1948 and June 30th, 1949 respectively, according to the following schedule:

Legislative.

I. LEGISLATIVE

	1947-48	*1948-49*
1. General Assembly	$	$ 225,000

Judicial.

II. JUDICIAL

1. Supreme Court — Justices	$ 70,000	$ 70,000
2. Supreme Court — Departmental Expense	$ 46,729	$ 46,729
3. Supreme Court — Printing Reports and Reprints	$ 16,000	$ 16,000
4. Superior Courts — Judges	254,512	254,512
5. Superior Courts — Solicitors	120,750	120,750

Executive and Administrative.

III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:		
(1) Governor's Office	$ 48,510	$ 48,710
(2) The Budget Bureau	70,328	76,028
(3) Division of Purchase and Contract	58,915	58,915
(4) Salary — Lieutenant Governor	2,100	2,100
2. Secretary of State	45,475	48,898
3. State Auditor	100,438	100,280
4. State Treasurer	81,148	78,948
5. Department of Justice:		
(1) Attorney General	60,395	62,645
(2) Bureau of Investigation	118,085	113,605
6. Department of Revenue:		
(1) Department of Revenue	$ 1,258,365	$ 1,257,365
(2) Department of Tax Research	57,621	61,921

		1947-48	1948-49
7.	Department of Public Instruction	170,780	170,385
8.	Department of Archives and History	53,821	47,746
9.	State Library	20,221	18,321
10.	Library Commission	28,219	27,944
11.	Board of Public Welfare:		
	(1) Board of Public Welfare	167,345	172,645
	(2) Eugenics Board	5,880	6,005
12.	State Board of Health:		
	(1) State Board of Health	751,286	750,286
	(2) Laboratory of Hygiene	110,978	110,618
13.	Adjutant General	216,839	249,439
14.	Utilities Commission:		
	(1) Utilities Commission	65,457	67,354
	(2) Public Utilities, Bus and Railroad Freight Rate Investigations	30,000	30,000
15.	Insurance Department	147,573	148,523
16.	Department of Labor:		
	(1) Department of Labor	210,949	210,749
	(2) Board of Boiler Rules	2,460	2,460
	(3) Industrial Commission	138,489	138,859
17.	Department of Conservation and Development:		
	(1) Department of Conservation and Development	1,019,381	938,286
	(2) Commercial Fisheries	50,566	46,636
18.	State Board of Elections	14,474	15,474
19.	Local Government Commission	31,758	31,258
20.	Department of Agriculture— Weights and Measures	43,170	43,570
21.	Board of Public Buildings and Grounds	240,181	212,002
22.	State Board of Alcoholic Control	109,810	109,810
23.	Unemployment Compensation Commission		80,762
24.	State Commission for the Blind	380,302	382,052
25.	Rural Electrification Authority	16,035	16,035
26.	Merit System Council	29,625	28,375
27.	Veterans' Commission	168,490	168,490
28.	State Recreation Commission	19,320	19,320
29.	N. C. Medical Care Commission — Administration	61,520	61,520
30.	Retirement Teachers and State Employees — Administration	81,179	76,579

Educational Institutions.

IV. EDUCATIONAL INSTITUTIONS

	1947-48	1948-49
1. University of North Carolina (Consolidated):		
(1) General Administration	$ 30,328	$ 31,048
(2) University of North Carolina:		
(1) University of North Carolina	1,254,846	1,203,911
(3) State College of Agriculture and Engineering	981,221	978,996
(4) The Woman's College	983,143	968,643
2. Experiment Station — State College	650,824	650,824
3. Cooperative Agricultural Extension —State College	814,431	809,431
4. East Carolina Teachers College	341,822	325,872
5. Negro Agricultural and Technical College	219,923	245,373
6. Western Carolina Teachers College	188,100	191,300
7. Appalachian State Teachers College	291,960	291,960
8. Pembroke State College for Indians	76,039	74,289
9. Winston-Salem Teachers College (Colored)	114,419	113,669
10. Elizabeth City State Teachers College (Colored)	86,296	85,796
11. Fayetteville State Teachers College (Colored)	99,455	102,205
12. North Carolina College at Durham	378,038	378,038
13. North Carolina School for the Deaf	318,229	301,604
14. State School for the Blind and Deaf:		
(1) State School for the Blind and the Deaf	304,123	300,193
(2) Blind Student Aid	2,400	2,400

Charitable and correctional institutions.

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1. State Hospitals:		
(1) General Administration	$ 28,040	$ 28,040
(2) State Hospital at Raleigh	1,535,185	1,516,685
(3) State Hospital at Morganton	1,564,543	1,536,843
(4) State Hospital at Goldsboro	802,774	794,159
(5) Caswell Training School	413,681	410,681
(6) State Hospital Extension— Camp Sutton	1,372,786	1,371,686
2. North Carolina Orthopedic Hospital	214,961	194,186

	1947-48	1948-49
3. North Carolina Sanatoria:		
(1) North Carolina Sanatorium	547,313	542,003
(2) Extension Bureau	51,830	44,330
(3) Western North Carolina Sanatorium	259,685	267,985
(4) Eastern North Carolina Sanatorium	217,870	204,570
4. Correctional Institutions:		
(1) General Administration	16,000	16,000
(2) Stonewall Jackson Training School	233,432	226,232
(3) State Home and Industrial School for Girls	127,072	112,742
(4) Morrison Training School	103,225	98,560
(5) Eastern Carolina Training School	71,420	68,445
(6) Dobbs Farms	43,365	40,845
(7) State Training School for Negro Girls	42,900	38,550
5. N. C. Hospital for Spastic Children		100,000
6. Confederate Women's Home	37,474	31,039
7. Oxford Orphanage	40,000	40,000
8. Junior Order Orphanage	20,000	20,000
9. Oxford Colored Orphanage	47,500	47,500
10. Pythian Orphanage	5,000	5,000

VI. STATE AID AND OBLIGATIONS

State aid and obligations.

1. Board of Charities and Public Welfare:		
(1) Care Dependent Children	17,000	17,000
(2) Old Age Assistance	1,850,000	1,850,000
(3) Aid to Dependent Children	690,000	690,000
(4) Aid to County Welfare Administration	180,000	180,000
2. Board of Health for Orthopedic Clinics	6,000	6,000
3. Industrial Rehabilitation	15,000	15,000
4. Fugitives from Justice	2,850	2,850
5. Indemnity Diseased Slaughtered Livestock:		
(1) Tuberculosis and Glanders	1,000	1,000
(2) Bangs Disease	12,000	12,000
6. Landscrip Fund	7,500	7,500
7. Firemen's Relief	1,750	1,750
8. Bennett Memorial	50	50
9. Confederate Museum	200	200

		1947-48	1948-49
10.	Confederate Cemetery	350	350
11.	Department of Agriculture:		
	(1) Control of Japanese Beetle	12,500	12,500
	(2) White Fringed Beetle Control	7,500	7,500
	(3) Credit Unions	6,025	6,025
	(4) Marketing	25,000	25,000
	(5) State Museum	18,977	18,977
	(6) Hog Cholera Work	12,500	12,500
	(7) Pure Food Control	24,000	24,000
12.	Retirement Teachers and State Employees—Contributions to System	4,830,677	4,900,785
13.	State Aid to Public Libraries	275,000	275,000
14.	State Art Society	5,000	5,000
15.	North Carolina Symphony Orchestra	12,000	12,000
16.	State Soil Conservation Committee	5,000	5,000
17.	State Property Fire Insurance Fund	100,000	100,000
18.	Medical Care Commission—Indigent Care	350,000	350,000

Pensions.

VII. PENSIONS

1.	Confederate Veterans and Widows	260,000	220,000
2.	Olivia B. Grimes	600	600
3.	Annie Burgin Craig	1,200	1,200
4.	Mrs. C. B. Aycock, Sr.	1,200	1,200
5.	Mrs. W. W. Kitchin	1,200	1,200
6.	Teachers Who Had Attained Age 65 at March 10, 1943	55,000	55,000

Contingency and emergency.

VIII. CONTINGENCY AND EMERGENCY

Purpose stated.

1.	To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provision of Section 12 of Article 1 of Chapter 143 of the General Statutes of North Carolina, or of such other statutes as may be applicable	$ 1,000,000	$ 1,000,000

IX. PUBLIC SCHOOLS

Public schools.

	1947-48	*1948-49*
1. Support of Nine Months Term	58,955,724	60,412,957
2. State Board of Education	110,770	109,220
3. Vocational Education	$ 1,523,763	$ 1,523,763
4. Purchase of Free Textbooks	820,000	739,348
5. Vocational Textile Training School	40,417	12,872
6. Purchase of School Buses	2,109,500	1,740,000

X. DEBT SERVICE

Debt service.

1. Redemption Special School Building Bonds		66,355

AGRICULTURE FUND

Agriculture Fund.

SEC. 2. That appropriations out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June 30th, 1948, and June 30th, 1949, respectively, according to the following schedule:

XI. AGRICULTURE

Department of Agriculture.

1. Department of Agriculture	$ 1,093,539	$ 1,044,784
2. State Fair (The appropriations under Title XI-1 may be increased under authorization by the Director of the Budget as realized receipts or accrued surplus of the Agriculture Fund may justify. The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture.)		

Increase in appropriations.

State Fair.

HIGHWAY AND PUBLIC WORKS FUND

Highway and Public Works Fund.

SEC. 3. That appropriations out of the Highway and Public Works Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June 30th, 1948, and June 30th, 1949, respectively, according to the following schedule:

HIGHWAY AND PUBLIC WORKS FUND

Highway and Public Works.

1. Administration	$ 283,129	$ 283,129
2. Department of Motor Vehicles, Highway Patrol, Drivers License and Safety Promotion	3,445,211	3,194,211

		1947-48	*1948-49*
3.	Maintenance of State Highways:		
	(1) Regular Maintenance	6,250,000	6,250,000
4.	Maintenance and/or Construction County Highways	12,500,000	12,500,000
5.	Betterments State and County Highways:		
	(1) General Betterments	2,500,000	2,500,000
	(2) Retreatments	2,500,000	2,500,000
	(3) County Roads	11,000,000	11,000,000
6.	Construction State and County Highways:		
	(1) To Match Federal Aid	11,975,000	11,975,000
7.	Scenic Highway	200,000	200,000
8.	Maintenance of Highways in Cities and Towns	1,000,000	1,000,000
9.	Probation Commission	137,900	138,400
10.	Parole Commission	106,750	106,750
11.	Bus Investigations	76,005	62,005
12.	Employers' Contribution to Retirement System	593,750	593,750

Debt Service, Highway Fund.

XIII. DEBT SERVICE (HIGHWAY FUND)

1.	Interest on Bonds	1,803,114	1,587,864
2.	Sinking Fund Installments	500,000	500,000
3.	Redemption of Bonds	4,975,000	3,525,000

Transfers or changes.

(Transfers or changes may be made to and/or from Titles XII-3, 4 and 5 under authorization by the Director of the Budget: *Provided*, no item shall be reduced more than fifteen per cent (15%)).

Reduction limited.

Availability of funds in excess of appropriations.

(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-one, three, four, five, and six.)

Preference to secondary roads.

(Provided further, that preference shall be given what is commonly known as secondary roads in the expenditure of any such increased appropriations.)

Statement of policy as to State-wide development of public roads and facilities.

(Provided, however, that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and County betterments for the extension and improvements of the public roads and bridge

facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway system, to the end that all sections of the State may, in so far as possible, be provided with benefits of an improved highway system.)

Appropriations for care of criminally insane.

(The appropriations made herein to Titles XII-three and four, include twenty-five thousand dollars ($25,000.00) for each year, to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars ($18,000.00) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody, and treatment of the criminally insane, and include twenty-one thousand and nine hundred dollars ($21,900.00) for each year to be transferred or paid to the North Carolina Sanitorium for care, custody, and treatment of the prisoners who have tuberculosis.)

Appropriation for treatment of prisoners with tuberculosis.

Restriction as to use of funds appropriated for county roads.

(*Provided further*, that the appropriation under Title XII-5-3 for betterments of county roads shall not be transferred or used for any other purpose other than for betterments to county roads).

Per diem compensation for certain commission and board members.

SEC. 4. That fees or compensations to be paid to members of boards or commissions for attendance out of or under the appropriations made in Section 1, 2 and 3 of this Act shall be fixed at rates per diem as shown in the following schedule:

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Education, seven dollars ($7.00) and necessary travel expenses.

Highway and Public Works Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.

State Board of Health, seven dollars ($7.00) and necessary travel expenses.

State Board of Elections, seven dollars ($7.00) and necessary travel expenses.

Medical Care Commission, seven dollars ($7.00) and necessary travel expenses.

State Hospital Board of Control, seven dollars ($7.00) and necessary travel expense.

Board of North Carolina Hospital for Treatment of Spastic Children, seven dollars ($7.00) and necessary travel expense.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, five dollars ($5.00) per day and necessary travel expenses.

Travel expenses allowed board members shall be as follows:

Travel expenses and subsistence allowances.

For transportation, using personally owned automobile, six cents (6c) per mile of travel; for bus, railroad and pullman, or other public conveyance, actual fare; for subsistence—hotel and meals—actual amount expended but not in excess of six dollars ($6.00) per day.

Appropriations herein made in lieu of appropriations under Revenue Act.

SEC. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter 158 of the Public Laws of 1939 as amended.

General provisions.

GENERAL PROVISIONS

Restrictions on allowances for travel expenses.

SEC. 6. That allowances out of or under the appropriations made in Sections 1, 2 and 3 of this Act and out of receipts of departments and agencies operating out of their own receipts for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out of State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

Schedule of subsistence and expense allowances.

For Subsistence—hotel and meals, actual expenses not to exceed six dollars ($6.00) per day; for out of State travel when authorized, actual expenses not to exceed eight dollars ($8.00) per day; for transportation, using personally owned automobile, six cents (6c) per mile of travel; for bus, railroad, pullman, or other public conveyance, actual fare.

Insurance and bonds.

SEC. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Special provisions.

SEC. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section 24 of Chapter 2 of the Public Laws of 1921, which cost is hereby fixed at three thousand and five hundred dollars ($3,500.00) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Costs of audits, made by State Auditor, of State Highway and Public Works Commission.

SEC. 9. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under Chapter 53, Section 122, of the General Statutes of North Carolina.

Miscellaneous expenses.

SEC. 10. That appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and the Deaf under Title IV-fourteen-(1) Section 1 of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institution shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter 116, Section 118, of the General States of North Carolina.

Use of certain appropriations to schools for deaf and blind.

Reimbursement by counties.

SEC. 11. That appropriations made to the Oxford Colored Orphanage under Title V-nine, Section 1, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Availability of appropriations to Oxford Colored Orphanage.

SEC. 12. That appropriations made to the Board of Public Welfare for Old Age Assistance under Title VI-one-(2), and for Aid to Dependent Children under Title VI-one-(3) of Section 1 of this Act are declared to be for such sums which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of 1946-47 at the end of said biennium, shall be equal to the sum of one million seven hundred and fifty thousand dollars, for each year of the biennium, for Old Age Assistance, and six hundred and fifty thousand dollars, for each year of the biennium, for Aid to Dependent Children.

Appropriations for Old Age Assistance and Aid to Dependent Children.

SEC. 13. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply

Allocations to meet contributions under Teachers and State Employees Retirement Act.

with the Act creating the Teachers' and State Employees' Retirement System.

Certain Industrial Commission receipts paid into General Fund.

SEC. 14. That receipts of the North Carolina Industrial Commission collected under Section 100, Subsection (j) of Chapter 97 of the General Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurer, sufficient appropriation out of General Fund revenue to operate the commission is provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Appropriations to operate commission.

Duties imposed on Industrial Hygiene Division, Board of Health.

SEC. 15. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health-Industrial Hygiene Division are enacted:

Occupational disease work; supervision by Industrial Commission.

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Use of appropriations to U.C.C.

SEC. 16. That the appropriations made for the Unemployment Compensation Commission under Section 1, Title III-23 of this Act are to provide the amount required the second year of the biennium by Federal law for the operation of the Employment Service.

Appropriations to buy school buses, permanent.

Transfer to reserve account.

SEC. 17. That appropriations made for the purchase of public school buses under Title IX-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium 1947-49. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or

hereafter be appropriated for the purchase of public school buses, until such time as it is possible to replace the school buses which are rapidly being worn out. It is the intent to provide a reserve out of the normal appropriations for the replacement of the school buses.

Replacements reserve.

SEC. 18. That the appropriations for the State Hospital Board of Control—Camp Sutton Extension under Title V-1-(6) may be transferred by the Director of the Budget to any other institution where the State Hospital Board of Control may make provision for the care and treatment of the present population of this institution and the additional number of patients provided for under the appropriations. It is intended that the additional appropriations recommended for the Camp Sutton Extension be used to care for additional patients, over and above those provided for within the budgets of the institutions now being operated.

Authority to transfer appropriations for State Hospital Board of Control, Camp Sutton Extension.

Care of additional patients.

SEC. 19. That the appropriations under Title V-4-(6) for Dobbs Farms may be transferred, with the approval of the Director of the Budget, to any other institution under the control of the Board of Corrections to which the inmates of this institution may be assigned for care.

Transfer of appropriations for Dobbs Farms.

SEC. 20. That the appropriations under Title V-4-(7) for the State Training School for Negro Girls may be transferred, with the approval of the Director of Budget, to any other institution under the Control of the Board of Corrections to which the inmates of this institution may be assigned.

Transfer of appropriations for State Training School for Negro Girls.

SEC. 21. That the amounts contained in the appropriations of the Department of Revenue under Title III-6-(1) for legal work may be transferred to the appropriations of the Attorney General, Title III-5-(1) under authorization of the Director of the Budget. The purpose of the transfer is to consolidate all expenditures for legal expenses in the Department of Justice.

Appropriations for legal work, Revenue Department, transfer to Attorney General.

INCREASING SALARIES AND WAGES

SEC. 22. That the costs of all salaries and wages to be paid out of or under the appropriations made in Sections 1, 2, and 3 of this Act, or to be paid out of any expendable receipts, to officers, employees, and agents of the State, or any of its departments, bureaus, institutions, public schools and agencies, other than salaries of officers fixed by statutes, are hereby increased to such sums as are provided under the appropriations in this Act for the biennium 1947 and 49, except as herein otherwise provided.

Increase of salaries and wages of officers, employees, agents, teachers.

Statement of intent to make minimum 20 per cent increase.

(a) It is the intention to increase the cost of salaries and wages by at least twenty per cent (20%) of the regular salaries and the emergency salaries as provided in the General Appropriations Act, Chapter 279 of 1945, *provided* that employees in the lower salary brackets shall be given preference in the application of the salary increases provided in these appropriations.

Preference to lower salary employees.

Increase and adjustment of salaries.

(b) Within the amounts provided in the estimates and the intentions expressed in (a) the Assistant Director of the Budget for the departments, bureaus, and other agencies coming within the Personnel Act, Chapter 143, Article 2, of the General Statutes of North Carolina, and the several boards or commissions for institutions and agencies, as are so governed, shall increase and adjust the salaries and wages of all officers, employees, and agents under their respective jurisdictions.

Specific sums designated solely for instructional salaries.

(c) It is the intention that the amounts of $50,489,130 for 1947-48 and $51,929,300 for 1948-49 shall not be used for any purpose other than for instructional salaries.

Use of funds for fire prevention and control.

SEC. 22½. The funds appropriated for the Department of Conservation and Development for fire prevention and control shall not be expended in any county unless said county shall contribute at least 25% of the total cost of such fire prevention program.

EFFECTIVE

Budget Act and certain other laws continued in force.

SEC. 23. That the provisions of the Executive Budget Act, Chapter 143, Article I, General Statutes of North Carolina and the provisions of ahe Personnel Act, Chapter 143, Article II, General Statutes of North Carolina, are re-enacted and shall remain in full force and effect.

Partial invalidity provision.

SEC. 24. That if any Section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

SEC. 25. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 25 **CHAPTER 501**

AN ACT TO AMEND AND SUPPLEMENT "THE REVENUE ACT," BEING SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT.

Title of Act.

SECTION A. The title of this Act shall be "The Act of 1947 Amending and Supplementing 'The Revenue Act,' being Subchapter I of Chapter 105 of the General Statutes."

Purpose of Act.

SEC. B. The purpose of this Act is to amend and supplement "The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes, and to raise and provide revenue for the purposes therein set forth.

G. S., Ch. 105, The Revenue Act, amended.

That "The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes, be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:

Inheritance Tax Article, amended.

SECTION 1. Amendments to the Inheritance Tax Article, Article 1, Schedule A.

G. S. § 105-3, amended, as to property exempt, Inheritance Tax.

Subsection (a). Amend Subsection (d) of Section 105-3 as follows:

(1) Strike out the colon following the words "Subsection (a)" in line seven of said Subsection, and insert in lieu thereof a semicolon, and then insert after said semicolon the following words:

Exemption of life insurance proceeds as to Class B and C beneficiaries.

"and the amount of two thousand dollars ($2,000.00) only, of the total proceeds of life insurance policies, when such policy or policies are payable to a beneficiary or beneficiaries named in such policy or policies, and such beneficiary or beneficiaries are any person or persons as are designated in Sections 105-5 and 105-6."

G. S. § 105-3, amended further, as to insurance proceeds exemption.

(2) Strike out the words "twenty thousand dollars ($20,000.00)" in lines eight and nine of said Subsection, and insert in lieu thereof the following words:

"the amounts so specified."

G. S. § 105-3, further amended, clarifying intent as to exemption as to insurance payable to class B and C beneficiaries.

(3) Insert immediately following the semicolon and before the word "and" in line fifteen of said Subsection the following words:

"*Provided further*, that the exemption herein provided in the sum of two thousand dollars ($2,000.00) as to insurance policies payable to beneficiaries designated in Sections 105-5 and 105-6 shall be allowed only to the extent that such amount is not allowed as to insurance policies payable to beneficiaries designated in Section 105-4, Subsection (a), it being the intention to grant an exemption as to policies payable to Class B and Class C beneficiaries only in those cases where the exemption allowed as to Class A beneficiaries is less than two thousand dollars ($2,000.00)."

(4) Capitalize the first letter in the word "and" in line fifteen of said Subsection.

G. S. § 105-13, amended as to inheritance tax on life insurance proceeds where beneficiary pays premiums.

Subsection (b). Amend the first paragraph of subdivision (b) of Subsection 2 of Section 105-13 by striking out the colon after the word "interest" and before the word "Provided" in line 6, inserting a period in lieu thereof, and by striking out the remainder of said paragraph.

Subsection (c). Amend Section 105-16 as follows:

Interest and penalty, new title.

(1) Change the title to read as follows:

"Interest and Penalty."

(2) Strike out the comma following the word "vendor" in line three and insert in lieu thereof a semicolon.

Discount for payment within six months eliminated.

(3) Strike out the following words following the word "vendor" in line three: "and if the same are paid within six months from the date of the death of the testator, intestate, grantor, donor, vendor, a discount of three per centum (3%) shall be allowed and deducted from such taxes;"

G. S. § 105-23, amended; time for filing information by personal representative.

Subsection (d). Amend Section 105-23 by striking out the word "six" in line thirty-four of said Section, and inserting in lieu thereof the word "twelve."

License Tax amendments: Schedule B.

SEC. 2. Amendments to the License Tax Article, Article 2, Schedule B.

G. S. § 105-37, amended.

Subsection (a). Rewrite Subsection (e) of Section 105-37 to read as follows:

Amusement taxes by counties prohibited.

"(e) Counties shall not levy any license tax on the business taxed under the foregoing portions of this Section. On the business described in the first paragraph of this Section, cities and towns may levy a license tax not in excess of the following:

Schedule of taxes leviable by cities and towns on moving pictures or vaudeville shows.

In cities or towns of less than 1,500 population	$ 12.50
In cities or towns of 1,500 and less than 3,000 population	31.25
In cities or towns of 3,000 and less than 5,000 population	62.50
In cities or towns of 5,000 and less than 10,000 population	87.50

In cities or towns of 10,000 and less than 15,000 population	137.50
In cities or towns of 15,000 and less than 25,000 population	187.50
In cities or towns of 25,000 population or over	212.50

"On the business described in Subsection (a) of this Section, cities and towns may levy a license tax not in excess of one hundred dollars ($100.00); and on a business described in Subsection (b), (c) or (d) of this Section, cities and towns may levy a license tax not in excess of one-half of the tax authorized by the schedule set forth in this Subsection."

License taxes leviable by cities and towns on certain moving picture theatres.

Subsection (b). Rewrite Subsections (f) and (g) of Section 105-37 as a new Section to be numbered Section 105-37.1 and to read as follows:

G. S. § 105-37 (f) and (g) rewritten as new section.

"(a) Every person, firm or corporation engaged in the business of giving, offering or managing any form of entertainment or amusement not otherwise taxed or specifically exempted in this Article, for which an admission is charged, shall pay an annual license tax for each room, hall, tent or other place where such admission charges are made, graduated according to population, as follows:

License tax on other forms of amusement not otherwise taxed.

In cities or towns of less than 1,500 population	$10.00
In cities or towns of 1,500 and less than 3,000 population	15.00
In cities or towns of 3,000 and less than 5,000 population	20.00
In cities or towns of 5,000 and less than 10,000 population	25.00
In cities or towns of 10,000 and less than 15,000 population	30.00
In cities or towns of 15,000 and less than 25,000 population	40.00
In cities or towns of 25,000 population or over	50.00

Schedule of taxes.

"In addition to the license tax levied in the above schedule, such person, firm, or corporation shall pay an additional tax upon the gross receipts of such business at the rate of tax levied in Article V, Schedule E, of this Act upon retail sales of merchandise. Reports shall be made to the Commissioner of Revenue, in such form as he may prescribe, within the first ten days of each month covering all such gross receipts for the previous month, and the additional tax herein levied shall be paid monthly at the time such reports are made. The annual license tax herein levied shall be treated as an advance payment of the tax upon gross receipts herein levied, and the annual license tax shall be applied as a credit upon or advance payment of the gross receipts tax.

Additional tax on gross receipts.

Reports to Revenue Commissioner.

License tax as advance payment on gross receipts tax.

License tax on dances and athletic contests; exemptions.

"Every person, firm, or corporation giving, offering, or managing any dance or athletic contest of any kind, except high school and elementary school athletic contests, for which an admission fee in excess of fifty cents (50c) is charged, shall pay an annual license tax of five dollars ($5.00) for each location where such charges are made, and, in addition, a tax upon the gross receipts derived from admission charges in excess of fifty cents (50c) at the rate of tax levied in Article V, Schedule E, of this Act upon retail sales of merchandise. The additional tax upon gross receipts shall be levied and collected in accordance with such regulations as may be made by the Commissioner of Revenue. No tax shall be levied on admission fees for high school and elementary school contests. The tax levied in this last portion of this Section shall apply to all privately owned toll bridges, including all charges made for all vehicles, freight and passenger, and the minimum charge of fifty cents (50c) for admission shall not apply to bridge tolls.

Gross receipts tax.

Tax on private toll bridges.

Rights of counties and municipalities to levy taxes under Section.

"(b) Counties shall not levy any license tax on the business taxed under this Section, but cities and towns may levy a license tax not in excess of one-half the base tax levied herein."

G. S. § 105-39, amended, as to right of carnival to play prior to fair.

Subsection (c). Amend Section 105-39 by striking out the word "fifteen" in line five of the second paragraph of subdivision (b) and inserting in lieu thereof the word "thirty."

G. S. § 105-41.1, amended, as to exemption of certain bondsmen from regulation by Insurance Commissioner.

(d) Amend Section 105-41.1 by adding a new paragraph at the end of said Section to read as follows:

"Persons, firms or corporations licensed hereunder who or which do not engage in any of the kinds of insurance business described in Section 58-72 shall be exempt from being licensed or regulated by the Commissioner of Insurance."

G. S. § 105-56, amended, as to tax on business of repairing and servicing elevators and sprinkler systems.

Subsection (e). Amend Section 105-56 by adding thereto a new Subsection to follow Subsection (a), to be numbered Subsection (b), and to read as follows:

"(b) If any person, firm, or corporation, required to be licensed under the provisions of this Section, engages in said business in two or more cities or towns, such person, firm or corporation shall procure a license based on the population of the largest city or town in which the business taxed under this Section is carried on."

Subsection (f). Further amend Section 105-56 by striking out "(b)" at the beginning of the last sentence of said Section and inserting in lieu thereof "(c)."

G. S. § 105-64.1 amended, as to tax on bowling alleys.

Subsection (g). Amend Section 105-64.1 by rewriting the first three lines thereof to read as follows:

"Every person, firm, or corporation who shall rent, maintain, or own a building wherein, or any premises on which, there is a bowling alley or alleys."

Subsection (h). Section 105-81 is hereby repealed.

G. S. § 105-81, tax on fireworks dealers, repealed.

Subsection (i). Further amend Section 105-89 by striking out the word "three" in line 2 of paragraph (d) of Subsection (3) and inserting in lieu thereof the word "two."

G. S. § 105-89, as to tax on motorcycle dealers, amended.

Subsection (j). Rewrite Subsection (2) of Section 105-89 as a new Section, to be numbered Section 105-89.1, and to read as follows:

G. S. § 105-81, further amended.

"SECTION 105-89.1. *Motorcycle Dealers.*

License tax on motorcycle dealers.

Every person, firm, or corporation, foreign or domestic, engaged in the business of buying, selling, distributing, and/or exchanging motorcycles or motorcycle supplies or any of such commodities in this State shall apply for and obtain from the Commissioner of Revenue a State license for the privilege of engaging in such business in this State, and shall pay for such license an annual tax for each location where such business is carried on, as follows:

Schedule of taxes.

In unincorporated communities and cities or towns of less than 2,500 population	$10.00
In cities or towns of 2,500 and less than 5,000 population	15.00
In cities or towns of 5,000 and less than 10,000 population	20.00
In cities or towns of 10,000 and less than 20,000 population	25.00
In cities or towns of 20,000 and less than 30,000 population	30.00
In cities or towns of 30,000 or more	40.00

Sale of supplies without additional tax.

(a) A motorcycle dealer paying the license tax under this Section may buy, sell, and/or deal in bicycles and bicycle supplies without the payment of an additional license tax.

Salesmen of dealers exempt from tax.

(b) No additional license tax shall be levied upon or collected from any employee or salesman whose employer has paid the tax levied in this Section.

Issuance of dealer's tags.

(c) No motorcycle dealer shall be issued dealer's tags until the license tax levied under this Section has been paid.

Right of counties, cities and towns to tax motorcycle dealers.

(d) Counties, cities, and towns may levy a license tax on each place of business located therein, taxed under this Section, not in excess of one-fourth of that levied by the State, with the

exception that the minimum tax may be as much as ten dollars ($10.00)."

G. S. § 105-89, amended further, renumbering sections, etc.

Subsection (k). Further amend Section 105-89 by renumbering Subsection (3) as Subsection (2).

Subsection (l). Further amend Section 105-89 by rewriting the last two lines of paragraph (a) of Subsection (4) to read as follows:

"to any license tax under Subsections (2) and (3) of this Section."

Subsection (m). Further amend Section 105-89 by renumbering Subsection (4) as Subsection (3).

Subsection (n). Repeal paragraph (c) of Subsection 4 of Section 105-89. Redesignate paragraphs (d) and (e) of Subsection 4 of Section 105-89 as paragraphs (c) and (d).

G. S. § 105-94, as to tax on industrial banks, repealed.

Subsection (o). Section 105-94 is hereby repealed.

Study and report on Schedule "B" taxes by Tax Research Department.

Subsection (p). The Tax Research Department is hereby ordered and directed to undertake at its earliest convenience a complete and thorough study of the entire Schedule "B" taxes with the view toward equalizing and making uniform the taxes levied by this Schedule, dividing on a benefit, service or control basis the objects of taxation as between the several levels of government, and eliminating overlapping and discriminatory taxes. The results of said study and recommendations for any necessary revision of the Schedule "B" tax structure shall be reported to the Advisory Budget Commission on or before July 1st, 1948, and to the 1949 Session of the General Assembly.

Effective date of Section 2.

Subsection (q). This Section shall be effective on and after June 1st, 1947.

Franchise tax amendments.

SEC. 3. Amendments to the Franchise Tax Article, Article 3, Schedule C.

G. S. 105-122, amended, reducing franchise taxes on corporations.

Subsection (a). Amend subdivision (4) of Section 105-122 by striking out the words "one dollar and seventy-five cents ($1.75)" in line fifteen of said subdivision and by inserting in lieu thereof the following words:

one dollar and fifty cents ($1.50).

Income tax amendments.

SEC. 4. Amendments to the Income Tax Article, Article 4, Schedule D.

G. S. 105-147, amended.

Subsection (a). Amend Section 105-147 by adding a new Subsection, to immediately follow Subsection 1, which shall be known as Subsection 1½, and which shall read as follows:

"1½. In the case of an individual, all the ordinary and necessary expenses paid or incurred during the income year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income."

Deduction of expenses incurred in production or collection of income.

Subsection (b). Amend Section 105-147 of the General Statutes of North Carolina, as amended, by adding thereto a new Subsection after Section 1½ which shall be known as Section 1¾, and which shall read as follows:

G. S. § 105-147, amended further.

"1¾. All the ordinary and necessary expenses paid during the income year by any teacher, principal or superintendent of the public schools of the State for the purpose of attending summer school in any accredited college or university. Ordinary and necessary expenses shall be construed to include tuition, matriculation fees, registration fees, amounts paid for books and necessary classroom supplies, subsistence and individual athletic supplies. The deductions authorized under this Subsection shall be allowed only upon the presentation to the Commissioner of Revenue, or his authorized agent, receipts showing the expenditures made hereunder; *provided*, said sums shall not exceed the sum of two hundred and fifty dollars ($250.00) for any one year."

Deduction of expense of attending summer school by teachers, etc.

Limitation of amount.

Subsection (c). Amend Subsection 7 of Section 105-147 by striking out the period at the end thereof and substituting a semicolon in lieu thereof; and by adding after said semicolon the following words:

G. S. § 105-147, amended further, as to deductions.

"or, in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts."

Addition to reserve for bad debts.

Subsection (d). Amend Subsection 7½ of Section 105-147 by adding to the end thereof the following sentence:

G. S. § 105-147, amended further.

"The deduction authorized in this subdivision shall apply only to amounts that were actually paid in the income year, and the total allowable deduction in any tax year shall not exceed twenty-five hundred dollars ($2,500.00)."

Deduction for medical expenses.

Subsection (e). Amend Subsection 13 of Section 105-147 by striking out the word "forty-four" in line thirteen of said paragraph, and by substituting therefor the word "forty-two."

G. S. § 105-147, amended further, as to deduction of payments to employee trusts.

Subsection (f). Rewrite Subsection 2 of Section 105-149 to read as follows:

G. S. § 105-149, amended.

"2. The exemptions allowable under this Section shall be denied to an individual having income both within and without this State unless the entire income of such individual is shown in his or her return to this State; and if the entire income of

Exemptions, applicability to persons with income within and without State.

such individual is shown in his or her return, the exemptions allowable under this Section shall be denied in the proportion that the income earned outside of this State bears to the total income both within and without this State; *provided,* that when an individual includes in his or her gross income taxable in this State income earned in another State and no deduction is claimed under this Article because said income is earned outside of this State, such individual shall be allowed the same exemption under this Section as a person earning all of his or her income in this State."

G. S. § 105-157, amended.

Subsection (g). Amend Section 105-157 by rewriting paragraph (1) thereof to read as follows:

Time and place of payment of income taxes.

"(1) The full amount of the tax payable, as shown on the face of the return, shall be paid to the Commissioner of Revenue at the office where the return is filed at the time fixed by law for filing the return. If the amount of the tax exceeds fifty dollars ($50.00), payment may be made in two equal installments: one-half on the date the return is filed, and one-half on or before September 15th, with interest on the deferred payment at the rate of four per cent (4%) per annum from March 15th until paid; *provided,* that if the deferred payment is not made when due, interest at the rate of six per cent (6%) per annum shall be added to such deferred payment from March 15th until paid. This provision for deferred payment shall become effective as of January 1st, 1948. If the amount of the tax exceeds four hundred dollars ($400.00), payment may be made in four equal installments, one-fourth at the time of filing the report, one-fourth on or before June 15th, one-fourth on or before September 15th, and one-fourth on or before December 15th, with interest on the deferred payments at the rate of four per cent (4%) per annum from March 15th until paid; *provided,* that if any deferred payment is not made when due, the entire unpaid balance of the tax shall become immediately due and payable, and interest at the rate of six per cent (6%) per annum shall be added to such balance from March 15th until paid. This provision for deferred payments shall become effective as of January 1st, 1948."

G. S. § 105-159, amended as to time for correcting returns.

Subsection (h). Amend Section 105-159 by striking out the words "thirty days" in line seven, and by substituting therefor the words "two years."

Further amended, as to statute of limitations.

Further amend Section 105-159 by striking out the following words in lines 12, 13, 14 and 15: "If the taxpayer fails to notify the Commissioner of Revenue of assessment of additional tax

by the Commissioner of Internal Revenue, the statute of limitations shall not apply."

Subsection (i). Amend Section 105-160 by striking out the last sentence thereof and inserting in lieu thereof the following: G. S. § 105-160, amended.

"Upon failure to file returns (including the notice or return required by G. S. 105-159 with respect to Federal correction of net income) and in the absence of fraud, the limitation shall be five years." Limitation in case of failure to file returns, where no fraud.

Subsection (j). Except as otherwise provided in this Section, this Section shall be effective on and after January 1st, 1947. Effective date of Section 4.

SEC. 5. Amendments to the Sales Tax Article, Article 5, Schedule E. Amendments to Sales Tax.

Subsection (a). Amend Section 105-168 by adding a new paragraph at the end of Subsection (c) to read as follows: G. S. § 105-168, amended, as to use tax on automobiles.

"The tax levied under this Subsection (Subsection (c)) shall not apply to the owner of a motor vehicle who purchases or acquires said motor vehicle from some person, firm or corporation who or which is not a dealer in new and/or used motor vehicles if the tax levied under this Subsection, this Article, or Article 8 has been paid with respect to said motor vehicle." Use tax not applicable in certain cases.

Subsection (b). Amend Section 105-169 by striking out in the fourth and fifth lines of Subsection (q) the words "principally supported by the State of North Carolina" and inserting in lieu thereof the words "not operated for profit." G. S. § 105-169, amended, as to exemption of sales to certain hospitals.

Subsection (c). Strike out Subsection (b) of Section 105-169 and insert in lieu thereof the following: G. S. § 105-169, amended, as to exemption of certain sales of gasoline from sales tax.

"(b) Sale of gasoline on which the tax levied in Section 105-434 is paid, and the fact that a refund of the tax levied on gasoline by Section 105-434 is made pursuant to the provisions of Subchapter V of Chapter 105, shall not make the sale or the seller of such gasoline subject to the tax levied by this Article."

Subsection (d). Rewrite paragraph (t) of Section 105-169 (1945 Cumulative Supplement) to read as follows: G. S. § 105-169(t) rewritten.

"Sales of lubricants, repair parts and accessories for motor vehicles and airplanes, when made to the owner and operator of fleets of five or more motor vehicles or airplanes to be used in or upon such motor vehicles or airplanes, shall be classified as wholesale sales, and, therefore, only subject to the wholesale rate of tax." Sales of certain items to owner or operator of fleets of motor vehicles or airplanes; tax at wholesale rate.

G. S. § 105-170, amended, as to enforcement of automobile use tax.

Subsection (e). Strike out the words "department of revenue" in lines three and four of paragraph (c) of Section 105-170 and insert in lieu thereof the words "department of motor vehicles." Strike out the words "commissioner of revenue" in lines thirteen and fourteen of said paragraph (c) and insert in lieu thereof the words "commissioner of motor vehicles." Strike out the word "that" in line fourteen of said paragraph (c).

G. S. § 105-174, amended.

Subsection (f). Amend Section 105-174 as follows:

(1) Strike out the period at the end of paragraph (b), insert a colon in lieu thereof, and add thereto the following:

Time limited for determination of taxes due, when returns not filed as required.

"*Provided, further*, that when the returns required under this Article have not been filed, the Commissioner of Revenue shall proceed to determine the total amount of the tax due because of sales made not more than five (5) years prior to such determination, and any assessment made as a result of such determination shall extend to and include sales made within such period."

Study and report of inequities in Sales Tax Article by Department of Tax Research.

Subsection (g). To the end that any inequities in the Sales Tax Article may be ascertained and corrected the Department of Tax Research is directed to make a complete study of the provisions and incidence of said Article as it may apply to farmers, industries, and other groups in the State, and report all findings to the Advisory Budget Commission by July 1st, 1948, and to the next General Assembly.

Provision for additional funds for analysis of tax problems.

In order that full and complete analyses of certain tax problems may be insured within the time specified as directed herein and elsewhere in this Act, the Governor and the Advisory Budget Commission are hereby requested to re-examine the operating budget of the Department of Tax Research and should the funds appropriated prove inadequate to complete said analyses to take any required action to allot to said Department from the contingency and emergency fund such additional amounts as may be deemed necessary.

Amendments to Gift Tax Article.

SEC. 6. Amendments to the Gift Tax Article, Article 6, Schedule G.

G. S. § 105-188, amended.

Subsection (a). Amend Section 105-188 by striking out the fifth paragraph and inserting in lieu thereof the following:

Formula for computation of gift tax.

"The tax shall be based on the aggregate sum of the net gifts made by the donor to the same donee, and shall be computed as follows:

1. Determine the aggregate sum of the net gifts to the donee for the calendar year and the net gifts to the same donee for each of the preceding calendar years since January 1st, 1948.

2. Compute the tax upon said aggregate sum by applying the rates hereinafter set out.

3. From the tax thus computed, deduct the total gift tax, if any, paid with respect to gifts to the same donee in any prior year or years since January 1st, 1948. The sum thus ascertained shall be the gift tax due.

Definition of "net gifts."

"The term 'net gifts' shall mean the sum of the gifts made by a donor to the same donee during any stated period of time in excess of the annual exclusion and the applicable specific exemption.

"The rates of tax, which are based on the relationship between the donor and the donee, shall be as follows:"

G. S. § 105-192, amended.

Subsection (b). Rewrite the second paragraph of Section 105-192 to read as follows:

Interest on taxes, penalties, etc., when not paid when due.

"If any tax, or any assessment of tax, penalties and interest, or any part thereof, be not paid when due, it shall bear interest at six per centum (6%) per annum from the date same is due until paid."

G. S. § 105-194, amended.

Subsection (c). Amend Section 105-194 by adding to the second paragraph the following words:

Time for assessing tax in case of death of donor.

"Where a donor dies within three years after filing a return, taxes may be assessed at any time within said three years, or the date of final settlement of State inheritance taxes."

Effective date of Section 6.

Subsection (d). This Section shall be effective from and after January 1st, 1948.

Amendments to Intangibles Tax.

SEC. 7. Amendments to the Intangibles Tax Article, Article 7, Schedule H.

G. S. § 105-199, amended, as to time of payment of tax on deposits.

Subsection (a). Amend Section 105-199 by striking out the word "December" in line 12 of the third paragraph thereof and inserting in lieu thereof the word "November."

Certain accounts disregarded in determining tax on deposits.

Further amend Section 105-199 by striking out the words and figures "one hundred dollars ($100.00)" in lines twelve and thirteen of the second paragraph thereof and inserting in lieu thereof the words and figures "three hundred dollars ($300.00)."

G. S. § 105-202, amended, as to tax rate on bonds, notes, etc.

Subsection (b). Amend Section 105-202 by striking out the words "fifty cents (50c)" in lines seven and eight, and by inserting in lieu thereof the words "twenty-five cents (25c)."

G. S. § 105-203, amended, as to tax rate on shares of stock.

Subsection (c). Amend Section 105-203 by striking out the words "thirty cents (30c)" in lines six and seven, and by inserting in lieu thereof the words "twenty-five cents (25c)."

G. S. § 105-204, amended as to tax rate, interest in foreign trusts.

Subsection (d). Amend Section 105-204 by striking out the words "thirty cents (30c)" in line eight, and by inserting in lieu thereof the words "twenty-five cents (25c)."

G. S. § 105-205, amended as to tax rate on deposits with insurance companies.

Subsection (e). Amend Section 105-205 by striking out the words "twenty-five cents (25c)" in line six, and by inserting in lieu thereof the words "ten cents (10c)."

G. S. § 105-212, amended, as to certain exemptions from intangibles tax.

Subsection (f). Amend Section 105-212 as follows:

(1) Strike out the word "forty-four" in line eight of said Section, and substitute therefor the word "forty-two."

(2) Strike out the figures "105-121" in line nineteen of said Section and substitute therefor the words "Article 8 B, Schedule I-B."

G. S. § 105-212, amended further.

(3) Further amend Section 105-212 by inserting after the first paragraph thereof the following paragraph:

Exemption of intangibles held by fiduciary for benefit of non-resident or exempt organization.

"If any intangible personal property held or controlled by a fiduciary domiciled in this State is so held or controlled for the benefit of a nonresident or nonresidents, or for the benefit of any organization exempt under this Section from the tax imposed by this Article, such intangible personal property shall be partially or wholly exempt from taxation under the provisions of this Article in the ratio which the net income distributed or distributable to such nonresident, nonresidents or organization, derived from such intangible personal property during the calendar year for which the taxes levied by this Article are imposed, bears to the entire net income derived from such intangible personal property during such calendar year. 'Net income' shall be deemed to have the same meaning that it has in the Income Tax Article. Where the intangible personal property for which this exemption is claimed is held or controlled with other property as a unit, allocation of appropriate deductions from gross income shall be made to that part of the entire gross income which is derived from the intangible personal property by direct method to the extent practicable; and otherwise by such other method as the Commissioner of Revenue shall find to be reasonable: *Provided,* that each fiduciary claiming the exemption provided in this paragraph shall, upon the request of the Commissioner of Revenue, establish in writing its claim to such exemption. No provision of law shall be construed as exempting trust funds or trust property from the taxes levied by this Article except in the specific cases covered by this Section."

Formula for determining extent of exemption.

Definition of "net income."

Written claims by fiduciary to establish exemption.

Subsection (g). Amend Section 105-213 as follows:

G. S. § 105-213, amended as to distribution rate.

(1) Strike out the words "Twenty-five per cent (25%)" in lines thirteen and fourteen of said Section and substitute in lieu thereof the words "Twenty per cent (20%)."

State's share of intangibles tax.

(2) Strike out the words "seventy-five per cent (75%)" in line seventeen of said Section and substitute in lieu thereof the words "eighty per cent (80%)."

Share of counties and municipalities.

Subsection (h). Section 105-214 is hereby repealed.

G. S. § 105-214, as to administration, repealed.

Subsection (i). This Section shall be effective from and after the ratification of this Act.

Effective date of Section 7.

SEC. 8. Amendments to the Insurance Tax Article, Article 8B, Schedule I-B.

Amendments to Insurance Tax.

Subsection (a). Amend Section 105-228.5 by striking out "of two per cent (2%)" in line fifty-one of said Section and by inserting in lieu thereof "at the rate of one per cent (1%) in the case of domestic companies and at the rate of two and one-half per cent (2½%) in the case of foreign and alien companies."

G. S. § 105-228.5, amended as to rate of taxes on annuities and other contracts.

This Subsection shall be effective from and after the ratification of this Act, and shall apply to all gross premiums collected in this State during the calendar year 1947 and succeeding calendar years. This Subsection shall not apply to gross premiums collected in the calendar year 1946 and prior calendar years.

Effective date of sub-section.

If this Subsection is declared by a court of competent jurisdiction to be unconstitutional or invalid for any reason whatever, this Subsection shall be construed as not repealing or affecting in any way the provisions of law existing immediately prior to the enactment of this Subsection; and in such event the provisions of law existing immediately prior to the enactment of this Subsection shall have the same force and effect that they would have had if this Subsection had not been enacted.

Partial invalidity provision.

Subsection (b). Amend Section 105-228.4 by striking out lines twelve, thirteen, and fourteen of said Section and inserting in lieu thereof the following:

G. S. § 105-228.4, amended as to annual registration fees, certain insurance companies.

"For each domestic farmers' mutual assessment fire insurance company or association, and each branch thereof.....$10.00."

The amendment specified in this Subsection shall become effective as of January 1st, 1945, except as to branches of said associations.

Effective date of subsection.

G. S. § 105-228.5, amended.

Subsection (c). Amend Section 105-228.5 by striking out all of the first paragraph of said Section and inserting in lieu thereof the following:

Tax measured by gross premiums.

"Each and every insurance company shall annually pay to the Commissioner of Insurance at the time and at the rates hereinafter specified a tax measured by gross premiums as hereinafter defined from business done in this State during the preceding calendar year.

Meaning of gross premiums, life insurance contracts.

"Gross premiums from business done in this State in the case of life insurance and annuity contracts, including any supplemental contracts thereto providing for disability benefits, accidental death benefits, or other special benefits, shall for the purposes of the taxes levied in this Section mean any and all premiums collected in the calendar year (other than for contracts for re-insurance) for policies the premiums on which are paid by or credited to persons, firms or corporations resident in this State, or in the case of group policies for any contracts of insurance covering persons resident within this State, with no deduction for considerations paid for annuity contracts which are subsequently returned except as below specified, and with no other deduction whatsoever except for premiums returned under one or more of the following conditions: Premiums refunded on policies rescinded for fraud or other breach of contract; premiums which were paid in advance on life insurance contracts and subsequently refunded to the insured, premium payer, beneficiary or estate; and in the case of group annuity contracts the premuims returned by reason of a change in the composition of the group covered. Said gross premiums shall be deemed to have been collected for the amounts as provided in the policy contracts for the time in force during the year, whether satisfied by cash payment, notes, loans, automatic premium loans, applied dividend or in any other manner whatsoever, except in the case of premiums waived by any of said companies pursuant to a contract for waiver of premium in case of disability.

Exception of returned premiums under specified conditions.

Certain gross premiums deemed collected.

Meaning of gross premiums, fire, casualty, etc., contracts.

"Gross premiums from business done in this State in the case of contracts for fire insurance, casualty insurance, and any other type of insurance except life and annuity contracts as above specified, including contracts of insurance required to be carried by the Workmen's Compensation Act, shall for the purposes of the taxes levied in this Section mean any and all premiums written during the calendar year, or the equivalent thereof in the case of self-insurers under the Workmen's Compensation Act, for contracts covering property or risks in this State, other than for contracts of reinsurance, whether such premiums are designated as premiums, deposits, premium de-

posits, policy fees, membership fees, or assessments. Gross premiums shall be deemed to have been written for the amounts as provided in the policy contracts, new and renewal, becoming effective during the year irrespective of the time or method of making payment or settlement for such premiums, and with no deduction for dividends whether returned in cash or allowed in payment or reduction of premiums or for additional insurance, and without any other deduction except for return of premiums, deposits, fees or assessments for adjustment of policy rates or for cancellation or surrender of policies.

Certain gross premiums deemed collected.

No deduction for dividends.

Returned premiums deductible.

"In determining the amount of gross premiums from business in this State all gross premiums received in this State, or credited to policies written or procured in this State, or derived from business written in this State shall be deemed to be for contracts covering persons, property or risks resident or located in this State except for such premiums as are properly reported and properly allocated as being received from business done in some other nation, territory, state or states, and except for premiums from policies written in Federal areas for persons in military service who pay premiums by assignment of service pay."

Determination of gross premiums received in this State.

Subsection (d). Further amend Section 105-228.5 by inserting a new paragraph at the end thereof, to read as follows:

G. S. § 105-228.5, further amended.

"With respect to the taxes levied in this Section on the equivalent of premiums of self-insurers under the provisions of the Workmen's Compensation Act, the reports required herein shall be transmitted to and the taxes collected by the North Carolina Industrial Commission as provided in subdivision (j) of Section 97-100 of the General Statutes of North Carolina."

Report and collection of taxes on self-insurers under Workmen's Compensation Act.

SEC. 9. Amendments to the General Administration Article, Article 10, Schedule J.

Amendments to General Administration Article.

Subsection (a). Amend Section 105-232 as follows:

G. S. § 105-232, amended as to restoration of corporate rights cancelled.

(1) Strike out the word "ten" after the word "within" in line six of said Section, and substitute in lieu thereof the word "five."

(2) Strike out the following words and figures following the parenthesis in line sixteen of said Section:

G. S. § 105-232, further amended.

"and upon payment to the Commissioner of Revenue to be transferred to the Secretary of State of an additional penalty of ten dollars ($10.00) to cover the cost of reinstatement."

Additional penalty for reinstatement of corporation.

Subsection (b). Amend Section 105-266 by adding at the end thereof the following words:

G. S. § 105-266, amended as to credit of tax overpayments to other taxes due.

"*Provided, further,* that irrespective of any demand for refund, such overpayment may be credited upon any taxes against the same taxpayer which shall have become due prior to January 1st, 1947, if such taxpayer shall request such credit prior to paying the taxes against which the credit may be made."

Codification and printing of Revenue Act, as amended.

SEC. 10. The Secretary of State with the advice of the Attorney General as soon as possible after the ratification of this Act shall insert in the Revenue Act in their proper places the several amendments and supplements thereto enacted by the General Assembly of 1947, and shall print in codified form five thousand copies of said Act as amended and supplemented which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act as amended shall be an official compilation or statement of the Revenue Act as amended.

Codification made official.

Retrospective continuation of existing revenue laws.

SEC. 11. Retrospective Continuation of Existing Laws. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July 1st, 1947, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July 1st, 1947.

Effective date.

SEC. 12. Effective date. Except as otherwise expressly provided herein, this Act shall take effect on and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 700 **CHAPTER 502**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS FOR RECORDING INSTRUMENTS AND FOR OTHER SERVICES RENDERED BY HIS OFFICE.

The General Assembly of North Carolina do enact:

G. S. § 161-10.1, amended as to fees of Register of Deeds, Warren County.

SECTION 1. Section 161-10.1 is amended by adding at the end thereof the following:

The Board of County Commissioners of Warren County may revise or fix the fees and commissions which may be charged by the register of deeds for the recording of all documents permitted or required by law to be recorded in the office of the register of deeds, and may fix any and all other fees or charges made by the register of deeds for any of the services or duties permitted or required by law of the register of deeds. It shall be the duty of the register of deeds to collect such fees and commissions as may be fixed by the board of county commissioners and to turn the same over to the county general fund.

Revision of fees by County Commissioners authorized.

SEC. 2. All laws and clauses of laws, and in particular any provision of Section 161-10 in conflict with the provisions of this Act, are repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 727 CHAPTER 503

AN ACT TO REPEAL CHAPTER 69, PRIVATE LAWS OF 1935 RELATIVE TO THE HOLDING OF A PRIMARY FOR NOMINATION AND ELECTIONS OF OFFICIALS OF THE TOWN OF CARY, WAKE COUNTY, AND PROVIDING FOR A NEW REGISTRATION IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 69, of Private Laws of 1935 entitled, "An Act to provide for holding of a primary for nomination and elections of officials of the Town of Cary, Wake County, and providing for new registration in said Town" be, and the same is hereby repealed.

Ch. 69, Private Laws, 1935, providing for primary election, Town of Cary, repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. B. 437 **CHAPTER 504**

AN ACT TO VALIDATE CERTAIN AMENDMENTS TO CORPORATE CHARTERS EXTENDING CERTAIN CORPORATIONS' EXISTENCE.

The General Assembly of North Carolina do enact:

Amendments to corporate charters extending period of existence of corporation, after expiration thereof, validated.

SECTION 1. In every case where a private corporation, chartered under the general laws of the State of North Carolina, has continued to act and do business as a corporation after the expiration of its period of existence as theretofore fixed in its charter, and has thereafter filed in the Office of the Secretary of State an amendment to its charter to extend or renew its corporate existence, such amendment is hereby validated and made effective for all intents and purposes to the same extent and with the same effect as if such amendment had been made within the period of such corporation's existence as theretofore fixed in its charter.

Limitation of actions attacking validity corporate action on grounds amendment not filed during corporate existence.

SEC. 2. No action or proceeding shall be brought or defense or counterclaim pleaded later than one year after the ratification of this Act in which either the continued existence of such corporation or the validity of any of the contracts, acts, deeds, rights, privileges, powers, franchises and titles of such corporation is attacked or otherwise questioned on the grounds that such amendment was not filed within the period of such corporation's existence as theretofore fixed in its charter.

Clarification of intent of Sec. 2.

SEC. 3. In no event shall the limitation provided in Section 2 hereof bar any action, proceeding, defense or counterclaim based upon grounds other than those mentioned in Section 2 hereof, unless the grounds set out in Section 2 hereof are an essential part thereof.

Pending litigation not affected.

SEC. 4. This Act shall not effect pending litigation.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

S. B. 45 **CHAPTER 505**

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ELECTION LAWS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 163-6 of the General Statutes of North Carolina be amended by adding at the end of said Section a new paragraph to read as follows: G. S. § 163-6, amended.

Nominations of candidtes for a special election to fill a vacancy in the State House of Representatives may be made by the several political party executive committees for each party respectively in the county in which such vacancy occurs. Nomination of candidates to fill vacancies, State House of Representatives.

Nominations of candiates for a special election to fill a vacancy in the State Senate in a senatorial district composed of only one county may be made by the several political party executive committees for each party respectively of such county in which said vacancy occurs. Nominations of candidates for a special election for the State Senate in a senatorial district composed of more than one county where there is no party agreement for rotation of counties in the district in furnishing the candidate or candidates, may be made by the senatorial party executive committees for each party respectively of the district. Nominations of candidates for a special election for the State Senate in a senatorial district composed of more than one county operating under a party rotation agreement under which one or more counties are permitted to nominate the candidate or candidates for the State Senate in such district, may be made by the county political party executive committee or committees for the county or counties which, under the party rotation agreement, are entitled to select the candidates. Nominations to fill vacancies in State Senate.

It shall be the duty of the chairman and secretary of the political party executive committees making such a nomination for State Senator in a special election to certify the name and party affiliation of the nominee to the chairman of each county board of elections in said district in which the special election is to be held before the special election ballots are printed. Duties of chairman and secretary of party executive committee.

SEC. 2. That Section 163-15 of the General Statutes of North Carolina be amended by striking from the first paragraph in said Section the following: G. S. § 163-15, amended, rewriting part of section.

"No person holding any office or place of trust or profit under the Government of the United States, or of the State of North Carolina, or any political subdivision thereof, except justices of the peace, shall be eligible to appointment as an election official."

And by substituting in lieu thereof the following sentence:

Restrictions as to eligibility of election officials.

No person holding any office or place of trust or profit under the Government of the United States, or of the State of North Carolina, or any political subdivision thereof, shall be eligible to appointment as an election official: *Provided* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Exceptions.

G. S. § 163-21, amended, as to power of election officials to deputize persons to preserve order.

SEC. 3. That Section 163-21 of the General Statutes of North Carolina be amended by adding at the end of Subsection 2 thereof a new sentence as follows:

The registrar and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at a voting precinct.

G. S. § 163-92, amended.

SEC. 4. That Section 163-92 of the General Statutes of North Carolina be amended by adding another sentence at the end thereof to read as follows:

Certificates of election to township officers elected.

The chairman of the county board of elections shall also issue a certificate of election to each township officer elected to office within the county.

G. S. § 163-105, amended, as to nominations for vacancies, House of Representatives, U. S. Congress.

SEC. 5. Section 163-105 of the General Statutes is amended by adding at the end thereof the following:

Procedure when vacancy occurs within 8 months of general election.

In the event such vacancy occurs within eight months preceding the next succeeding general election, nominations of candidates in a special election for Representative in Congress to fill a vacancy may be made by the several political party Congressional Executive Committees in the district in which such vacancy occurs, for each political party respectively. It shall be the duty of the chairman and secretary of each political party Congressional Executive Committee making such a nomination of a candidate in a special election to immediately certify to the State Board of Elections the name and party affiliation of the nominee so selected prior to the printing of the special election ballots.

Special primary election when vacancy occurs more than 8 months prior general election.

In the event such vacancy occurs more than eight months prior to the next succeeding general election, then a special primary election shall be called by the Governor. Such special primary election shall be conducted in accordance with the laws governing general primaries, except that the closing date for filing notices of authority with the State Board of Elections shall be fixed by the Governor in his call for the primary, and shall be for the purpose of nominating candidates, to be voted upon thereafter in a special election to be called by the Governor

Special election called by Governor.

as hereinbefore provided in Paragraph 1 of General Statutes 163-105. The candidate elected in this special election shall fill such vacancy in the representation in Congress.

G. S. § 163-113, amended as to procedure for certifying party nominations for State Senator.

SEC. 6. That Section 163-113 of the General Statutes of North Carolina be amended by striking out all of the last sentence in said Section reading as follows:

Former procedure.

"All nominations of party candidates for the Office of Senator, made as hereinbefore provided, shall be duly certified by the chairman and secretary of the executive committee of the party making the same, and for the county in which they are made, to the chairmen of the executive committees of such party in all other counties constituting the senatorial district; and no other action shall be deemed necessary to constitute such candidate the nominee of his party for such office."

And by substituting therefor the following:

New procedure.

All nominations of party candidates for the Office of Senator, made as hereinbefore provided, shall be certified by the chairman of the county board of elections of the county in which the nomination is made, to each chairman of the county board of elections in all of the counties constituting the senatorial district, and it shall be the duty of each chairman of the other counties to which the nominations are certified to print the name or names of the nominee or nominees on the official county ballot for the general election.

G. S. § 163-119, amended.

SEC. 7. That Section 163-119 of the General Statutes of North Carolina be amended by adding at the end of said Section a new sentence reading as follows:

Personal signature of candidate required on candidacy notice.

The notice of candidacy required by this Section to be filed by a candidate in the primary must by signed personally by the candidate himself or herself, and such signature of the candidate must be signed in the presence of the chairman or secretary of the board of elections with whom such candidate is filing, or a candidate must have his or her signature on the notice of candidacy acknowledged and certified to by any officer authorized to administer an oath. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.

Notice signed by agent not valid.

G. S. § 163-153, amended.

SEC. 8. That Section 163-153 of the General Statutes of North Carolina be amended by striking out all of said Section, and substituting the following in lieu thereof:

SECTION 153. Becoming candidate after the official ballots have been printed: Provision as to the ballots.

Procedure as to candidates named to fill vacancies arising after official ballots printed.

If any candidate dies or resigns, or otherwise become disqualified after his name has been printed on an official election ballot, and if any person is nominated, as authorized by law, to fill such vacancy, then the name of the candidate so nominated to fill said vacancy shall not be printed upon said ballots, but the name of such candidate so nominated shall be certified by the party executive committee making the nomination to the chairman of the board of elections charged with the duty of printing such ballots, and a vote cast by a voter for the name of the candidate printed on the ballot who has either died or resigned, shall be counted as a vote for the candidate nominated to fill such vacancy and whose name is on file with said board of elections. After the official ballots have been printed by the proper election board the death or resignation of a candidate whose name is printed on the official ballot, shall not cause the said board of elections to reprint the official ballots. *Provided* that the board of elections having jurisdiction over the printing and distribution of the ballots concerned may cause said ballots to be reprinted and be substituted in all respects for the first printed ballots if, in its judgment, such substitution is feasible and advisable.

Re-printing ballots not required.

Re-printing of ballots left to discretion of Board of Elections.

G. S. § 163-155(e), amended.

SEC. 9. That Section 163-155 (e) of the General Statutes of North Carolina be amended by striking out all of said Section after the second sentence thereof, and by adding a new sentence in lieu thereof as follows:

Form of ballot on constitutional amendment or referendum.

The form of the constitutional amendment or referendum ballot shall be prepared by the State Board of Elections and approved by the Attorney General of North Carolina.

G. S. § 163-175, amended as to method of marking ballots.

SEC. 10. That Section 163-175 2 (b) of the General Statutes of North Carolina be amended by striking out from the last four lines thereof the following:

"except for offices for which candidates are marked on other party tickets, and the cross marks before the names of such candidates will cast the elector's vote for them," and substituting the following:

except for those candidates whose names are opposite the specially marked opposing candidates and the cross mark before the names of such opposing candidates will cast the elector's vote for them; *provided* that where there are group candidates for similar offices the elector may select and specially mark all of such candidates for whom he wishes to vote.

G. S. § 163-175, amended further.

Also amend Section 163-175, Subsection 3, by adding the following sentence at the end of said Section:

Any name written in on an official ballot by any election official, or by any person other than the voter or a person rendering assistance to a voter pursuant to Sections 172-3 or 4, shall be invalid, and the name or names so written in shall not be counted.

Names written in on ballot by one other than voter or his assistant, invalid.

SEC. 11. That Section 163-20 of the General Statutes of North Carolina be amended by striking out from the second sentence thereof the following:

G. S. § 163-20, amended as to compensation of precinct officers.

"and said registrars shall receive no other compensation whatsoever;" and by striking out the following words in the last proviso:

"in precincts where the duties of those election officials require services for a substantial period of time after the closing of the polls."

SEC. 12. This Act shall be in full force and effect from and after its ratification.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 203 **CHAPTER 506**

AN ACT TO REWRITE SECTION 160-402 OF THE GENERAL STATUTES RELATING TO THE LIMITATION OF TAX THAT MAY BE IMPOSED BY MUNICIPALITIES FOR GENERAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-402 is hereby rewritten to read as follows:

G. S. § 160-402, rewritten.

160-402. Limitation of tax for general purposes. For the purpose of raising revenue for defraying the expenses incident to the proper government of the municipality, the governing body shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in the municipality at a rate not exceeding one dollar and fifty cents ($1.50) on the one hundred dollar ($100.00) valuation of said property, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this Section.

Limitation of tax rate for general purposes, municipalities, increased.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 223 **CHAPTER 507**

AN ACT RELATING TO THE ELECTION OF OFFICIALS IN THE TOWN OF SHALLOTTE IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 339, Private Laws, 1899, amended.

SECTION 1. That Chapter 339 of the Private Laws of 1899 is hereby amended by rewriting Section 3 to read as follows:

Terms of Mayor and Commissioners of Shallotte extended.

1947 election.

Selection and pay of town treasurer.

SEC. 3. That the officers of the Town of Shallotte shall consist of a mayor and five commissioners and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday after the first Monday in May, 1947, and have qualified. The town commissioners may impose the duties of town treasurer upon one of its own members and pay such member a salary of five dollars ($5.00) per month for performing the duties of treasurer.

Ch. 339, amended further.

SEC. 2. Section 4 of said Chapter 339 of the Private Laws of 1899 is further amended by rewriting Section 4 to read as follows:

Election of Mayor and Commissioners, Town of Shallotte.

SEC. 4. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and biennially thereafter, and shall be conducted in accordance with the General Municipal Election Laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Statement of candidacy.

SEC. 3. Any person desiring to become a candidate for the office of mayor or commissioner shall, at least two weeks prior to election day, file with the town clerk a statement of such candidacy in substantially the following form:

"STATE OF NORTH CAROLINA
TOWN OF SHALLOTTE

Form.

I, ..., hereby give notive that I reside at ..... Street, Town of Shallotte, Brunswick County, State of North Carolina; I am a candidate for election to the office of (mayor,

or commissioner), to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

....

(Witness) (Signature)"

Filing fees.

Candidates for mayor shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk, and candidates for membership on the board of commissioners shall pay the sum of one dollar ($1.00) to said clerk; and such filing fees shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have his name printed on the official ballot.

Prerequisites for having name on ballot.

Determination of election results.

The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners.

Appointment of Police Chief and police officers.

SEC. 4. The chief of police and other police officers shall be appointed by the board of town commissioners and said board may appoint persons who are not residents of the municipality to such positions. The police officers of the Town of Shallotte shall have full authority, when in hot pursuit of any person who is charged with the violation of any criminal offense within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender; and the common law doctrine of hot pursuit shall be applicable to such offenses and such officers.

Jurisdiction beyond corporate limits.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 245 **CHAPTER 508**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO DISPOSE OF THE PROPERTIES OF THE HARNETT COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

Harnett County Commissioners authorized to dispose of properties of County Hospital.

SECTION 1. The Board of County Commissioners of Harnett County may, in its discretion, at any time within six months next following the ratification of this Act, execute and deliver upon such considerations as the board of county commissioners may deem to be adequate, and subject to the restrictions hereinafter set out in this Act, a deed or deeds of conveyance or other legal instruments covering the county's interest in those properties, both real and personal, constituting the Harnett County Hospital and more particularly described as follows:

Designation of properties:

Supplies and equipment.

a. All hospital supplies and equipment of every kind and description used in connection with the operation of the Harnett County Hospital at Dunn, North Carolina.

Real estate.

b. That lot of land situated in the Town of Dunn, Harnett County, North Carolina, and described as follows:

Description of land.

Beginning at the intersection of the northern edge of West Edgerton Street, and the western edge of North Ellis Avenue, in the Town of Dunn, North Carolina, and runs in a northern direction along the western edge of North Ellis Avenue, 300 feet to the southern edge of West Harnett Street; thence in a western direction along the southern edge of West Harnett Street, 300 feet to the eastern edge of North Orange Avenue, thence along the eastern edge of North Orange Avenue in a southern direction, 300 feet, to the northern edge of West Edgerton Street; thence along the northern edge of West Edgerton Street, in an eastern direction 300 feet to the beginning, forming one block of land designated as one black of land "A B" as shown in the map of Dunn, recorded in Book F $\neq$ 2, page 593, and being the same lot conveyed to the County of Harnett by the Dunn Hospital, Inc., by deed dated September 22nd, 1938, and recorded September 30th, 1938, in Book 268, page 240.

Restrictions on disposition of properties.

SEC. 2. No conveyance or transfer of property under the permissive authority of this Act shall be valid or binding unless the same be made to a nonprofit, nonstock corporation for use as a public hospital in Harnett County, and any deed of conveyance or instrument of transfer of real or personal property made hereunder, in order to be valid and binding upon the county, must contain specific provisions therein to the effect

that such conveyance or transfer is made upon the condition that the property conveyed or transferred is to be held and used permanently for the purpose of operating a public, nonprofit, nonstock hospital in Harnett County whose facilities shall be open to the public in general and to indigent patients of Harnett County specifically; and all such deeds of conveyance or instruments of transfer shall carry the further consideration that the grantee or recipient assumes all mortgages, incumbrances, or other legal obligations of the County of Harnett in respect to the properties conveyed or transferred.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 251 **CHAPTER 509**

AN ACT CALLING AN ELECTION TO AMEND THE CHARTER OF THE CITY OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Special election in Statesville for submitting charter amendments to vote of people.

SECTION 1. That there shall be held within the City of Statesville, Iredell County, not later than August 15th, 1948, a special election, as provided in Sections 160-353 through Section 160-363, inclusive, General Statutes, North Carolina, for the purpose of submitting to the qualified voters of the City of Statesville, the following amendments to the city charter:

Proposed charter amendments:

A. The Charter of the City of Statesville, Iredell County, be, and the same is hereby amended by adding thereto the following:

Provision for appointment of city manager.

(1) The board of aldermen shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.

Powers and duties of city manager.

The city manager so appointed shall have all the powers and duties as prescribed for city managers under the "Plan D" form of government as set out in the General Statutes of North Carolina.

Question submitted at election.

(2) At the time of holding the special election hereinabove provided, the question of the adoption of this amendment to the Charter of the City of Statesville shall be submitted to the qualified voters of the city, at said election, all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or the words written, "For amendment providing for city manager," and those who are opposed shall vote a ballot upon which shall be printed or words written, "Against amendment providing for city manager." If in said election, a majority of the votes cast shall be "For amendment providing for city manager," the said amendment shall be adopted and become a part of the Charter of the City of Statesville, but if a majority of the votes cast shall be "Against amendment providing for city manager," said amendment shall not become a part of the Charter of the City of Statesville.

Form of ballot.

Effect of voting results.

B. The Charter of the City of Statesville shall be amended as follows:

Biennial election of aldermen.

(1) That in the City of Statesville municipal election, to be held in the year 1949, and biennially thereafter, there shall be elected one alderman from each ward by the qualified voters of the entire city. The said aldermen shall hold office for a period of two years or until his successor is elected and qualified. Should any alderman cease to be a resident of the ward for which he is elected, then the office of alderman shall be declared vacated by the remaining members of the board who shall proceed to elect a successor for the unexpired term.

Terms.

Filling of vacancies.

Question submitted at election.

(2) At the time of holding the special election as hereinabove provided, the question of the adoption of this amendment to the Charter of the City of Statesville shall be submitted to the qualified voters of said city, at said election, all those who are in favor of the adoption of this amendment shall vote a ballot upon which shall be written or printed the words, "For amendment providing one alderman per ward," and those who are opposed shall vote a ballot upon which shall be written or printed the words, "Against amendment providing one alderman per ward." If in said election, a majority of the votes cast shall be "For amendment providing one alderman per ward," the said amendment shall be adopted and become a part of the Charter of the City of Statesville, but if a majority of the votes cast shall be, "Against amendment providing one alderman per ward," said amendment shall not become a part of the Charter of the City of Statesville.

Form of ballot.

Effect of voting results.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That if amendment A shall be adopted as herein provided for, then and in such event, said amendment shall take effect as of the change of the city administration in the year 1949. Effective date of amendment as to city manager.

SEC. 4. That this Act shall be in full force and effect from and after its raitfication.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 252 **CHAPTER 510**

AN ACT TO AMEND SECTIONS 153-102 AND 160-389 OF THE GENERAL STATUTES THEREBY EXTENDING THE TIME WITHIN WHICH BONDS AUTHORIZED BY COUNTIES AND MUNICIPALITIES MAY BE ISSUED.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 153-102 of the General Statutes, as amended, shall be and the same is hereby further amended by adding at the end thereof a new paragraph to read as follows: G. S. § 153-102, Counties Finance Act, amended.

Notwithstanding the foregoing limitations of time which might otherwise prevent the issuance of bonds, bonds authorized by an order which took effect prior to July 1st, 1946, and which have not been issued by July 1st, 1947, may be issued in accordance with all other provisions of law at any time prior to July 1st, 1949, unless such order shall have been repealed, and any loans made under authority of Section 153-108 of this Article in anticipation of the receipt of the proceeds of the sale of such bonds, or any renewals thereof, may be paid on or at any time prior to but not later than June 30th, 1949, notwithstanding the limitation of time for payment of such loans as contained in said section. Extension of time for issuance of certain bonds by counties.

SEC. 2. That Section 160-389 of the General Statutes, as amended, shall be and the same is hereby amended by adding at the end thereof a new paragraph to read as follows: G. S. § 160-389, Municipal Finance Act, amended.

Notwithstanding the foregoing limitation of time which might otherwise prevent the issuance of bonds, bonds authorized by an ordinance which took effect prior to July 1st, 1946, and which have not been issued by July 1st, 1947, may be issued in accordance with all other provisions of law at any time prior to July 1st, 1949, unless such ordinance shall have been repealed, and any loans made under authority of Section 160-375 of Article 27 of this Chapter in anticipation of the receipt of the proceeds Extension of time for issuance of certain bonds by municipalities.

of the sale of such bonds, or any renewals thereof, may be paid on or at any time prior to but not later than June 30th, 1949, notwithstanding the limitation of time for payment of such loans as contained in said Section.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby amended as provided herein.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 255 CHAPTER 511

AN ACT TO ENABLE FLUE-CURED TOBACCO FARMERS IN NORTH CAROLINA TO HOLD A REFERENDUM AND TO PROMOTE THROUGH ORGANIZED EFFORT THE EXPORT SALE OF FLUE-CURED TOBACCO.

Preamble:

Extent of income from flue-cured tobacco.

WHEREAS, flue-cured tobacco represents in value more than fifty per cent of the total income of the farmers of North Carolina; and

Extent of production.

WHEREAS, there is produced by the farmers of North Carolina approximately seventy per cent of all flue-cured tobacco raised in the United States; and

Extent of exports.

WHEREAS, more than forty per cent of flue-cured tobacco in the United States is normally sold in export trade, the total production being far beyond domestic requirements; and

Importance of export trade, steady market at fair price.

WHEREAS, it is of greatest importance that the export trade for flue-cured tobacco be maintained at such level as to insure a steady market at a fair price for the surplus of said crop over and above the normal domestic requirements; and

Effect of failure to maintain sound export market.

WHEREAS, the failure to maintain a sound and growing export market for flue-cured tobacco would disastrously affect the economy and the general standard of living of the farmers of North Carolina engaged in the production of this agricultural commodity; and

Recent formation of Tobacco Associates, Inc.

WHEREAS, largely under the sponsorship of farm organizations in North Carolina there has been recently incorporated under the laws of the State of North Carolina a nonstock, nonprofit corporation known, designated and chartered as Tobacco

Associates, Incorporated, formed for the purpose of promoting, developing and expanding export trade for flue-cured tobacco; and

Purpose.

WHEREAS, the operations of said highly important export agency have been financed for the first year thereof by donations in which producers of flue-cured tobacco have participated to the extent of not less than fifty per cent; and

First year operations of export agency financed by donations.

WHEREAS, in order to assure the permanence of such program for developing export markets for flue-cured tobacco it is desirable and necessary that the farmers in North Carolina who produce flue-cured tobacco shall be permitted by means of a referendum to vote an assessment under which all tobacco-growing farmers in the State will participate on a proportional and equitable basis; and

Necessity for referendum on question of assessment of tobacco farmers.

WHEREAS, such results would be in the public interest: *Now, therefore,*

Public interest.

The General Assembly of North Carolina do enact:

SECTION 1. It is hereby declared to be in the public interest that the farmers of North Carolina who produce flue-cured tobacco be permitted and encouraged to act jointly in promoting and stimulating, by organized methods and through the medium established for such purpose, export trade for flue-cured tobacco.

Promotion of export trade for flue-cured tobacco in public interest.

SEC. 2. That for the purpose of raising reasonable and necessary funds for producer participation in the operations of the agency set up under farmer sponsorship for the promotion of export trade in flue-cured tobacco, it is proper, desirable, necessary and in the public interest that the farmers in this State engaged in the production of flue-cured tobacco shall have the opportunity and privilege of participating in a referendum to be held as hereinafter provided, in which referendum there shall be determined the question of whether or not the farmers of the State engaged in the production of flue-cured tobacco shall levy upon themselves an annual assessment for the purposes herein stated.

Necessity for referendum on question of annual assessments.

SEC. 3. That during the month of July, 1947, and upon the exact date in such month as may be determined in the manner hereinafter set forth and under rules and regulations as established under the provisions of this Act, there shall be held in every county in North Carolina in which flue-cured tobacco is produced a referendum to be participated in by all farmers engaged in the production of flue-cured tobacco, including owners of farms on which such tobacco is produced, tenants and sharecroppers, in which referendum said individuals so eligible for participation shall vote upon the question of whether or

Provision for referendum.

Counties affected.

Farmers eligible.

Question to be voted upon.

not there shall be levied an annual assessment for a period of three years in the amount of ten cents (10c) per acre on all tobacco acreage in accordance with allotments made under the provisions of the laws of the United States relating to tobacco acreage control.

Levy of assessment prohibited upon more than one-third negative vote.

SEC. 4. That if in such referendum more than one-third of the tobacco farmers eligible to participate therein and voting therein shall vote in the negative and against the levying or collection of such assessment, then in such an event no assessment shall be levied or collected.

Levy of assessment authorized upon two-thirds affirmative vote.

SEC. 5. That if in such referendum two-thirds or more of the tobacco farmers eligible to participate therein and voting therein shall vote in the affirmative and in favor of the levying or collection of such assessment of ten cents (10c) per acre on all tobacco acreage in the State of North Carolina, then such assessment shall be collected in the manner hereinafter provided.

Conduct of referendum.

SEC. 6. That the exact date in the said month of July, 1947, on which such referendum shall be held and the hours, voting places, and rules and regulations under which such referendum shall be conducted, shall be established and determined by the Board of Directors of the North Carolina corporation known and designated as Tobacco Associates, Incorporated, established under the leadership of farm organizations in the State of North Carolina for the purpose of stimulating, developing and expanding export trade for flue-cured tobacco; that the said referendum date, hours, voting places, rules and regulations with respect to the holding of such referendum shall be published through the medium of the public press in the State of North Carolina by said Board of Directors at least sixty days before the holding of such referendum, and that direct written notice thereof shall likewise be given to all farm organizations within the State of North Carolina and to each county agent in any county in which flue-cured tobacco is grown.

Publication of information concerning referendum.

Direct written notice to farm organizations and county agents.

Ballots.

SEC. 7. That the said Board of Directors of Tobacco Associates, Incorporated, shall likewise prepare and distribute in advance of said referendum all necessary ballots for the purpose thereof, and shall under the rules and regulations promulgated by said Board arrnge for the necessary poll holders for conducting the said referendum; and that following such referendum and within ten days thereafter the said Board of Directors shall canvass and publicly declare the results of such referendum.

Poll holders.

Declaration of results of vote.

Question to be submitted at referendum.

SEC. 8. That said referendum shall be upon the question of whether or not the farmers eligible for participation therein and voting therein shall vote upon themselves, for the period of three years; that is, for the years 1947, 1948, and 1949, an assessment of ten cents (10c) per acre on all tobacco acreage in the State of North Carolina in accordance with the allotments of acreage, for the purpose of providing farmer participation in the fund and through the agency established for the stimulation, expansion and development of export markets for flue-cured tobacco.

Collection of assessments in event of two-thirds affirmative vote.

SEC. 9. That in the event two-thirds or more of the farmers eligible for participation in such referendum and voting therein shall vote in favor of such assessment, then the said assessment shall be collected annually for the years herein set forth and under such method, rules and regulations as may be determined by the Board of Directors of the said Tobacco Associates, Incorporated, and the said assessment so collected shall be paid into the Treasurer of said Tobacco Associates, Incorporated, to be used along with funds from other sources, for the purpose of stimulating, developing and expanding export trade for flue-cured tobacco.

Custody and use of funds.

Provision for refund of assessments to dissatisfied farmers or producers.

SEC. 10. That in the event such a referendum is carried in the affirmative and the assessment is levied and collected as herein provided and under the regulations to be promulgated by the Board of Directors of Tobacco Associates, Incorporated, any farmer or tobacco producer upon whom and against whom any such annual assessment shall have been levied and collected under the provisions of this Act, if dissatisfied with the said assessment and the results thereof, shall have the right to demand of and receive from the Treasurer of said Tobacco Associates, Incorporated, a refund of such annual assessment so collected from such farmer or producer of tobacco, provided such demand for refund is made in writing within thirty days from the date on which said assessment is collected from such farmer or producer or deducted from the proceeds of the sale of tobacco of such farmer or producer.

Time limitation for demanding refund.

Provision for second referendum if first not supported by two-thirds vote.

SEC. 11. That in the event such referendum to be so conducted in the month of July, 1947, shall not be supported by two-thirds or more of those eligible for participation therein and voting therein, then the Board of Directors of said Tobacco Associates, Incorporated, in their discretion shall have full power and authority to call another referendum for the purposes herein set forth in the month of July in the next succeeding year for the next ensuing three years.

Future referendum upon question of continuing assessments.

SEC. 12. That in the event said referendum is carried by the votes of two-thirds or more of the eligible farmers participating therein, and said assessments in pursuance thereof are levied during the years 1947, 1948, and 1949, then the said Board of Directors in their discretion shall have the full power and authority to call and conduct in the month of July, 1949, another referendum in which the farmers shall vote upon the question of whether or not such assessment shall be continued for the next ensuing three years.

Publication of financial statement by Treasurer of Tobacco Associates, Inc.

SEC. 13. That in the event of the levying and collection of assessments as herein provided, the Treasurer of said Tobacco Associates, Incorporated, shall within thirty days after the end of any calendar year in which assessments are collected, publish a statement of the amount or amounts so received and collected by him under the provisions of this Act.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 257 CHAPTER 512

AN ACT TO REPEAL CHAPTER 139 OF THE PRIVATE LAWS OF 1903, THE SAME BEING "AN ACT TO INCORPORATE THE TOWN OF CHOCOWINITY IN BEAUFORT COUNTY."

The General Assembly of North Carolina do enact:

Ch. 139, Private Laws, 1903, incorporating Town of Chocowinity, repealed.

SECTION 1. Chapter 139 of the Private Laws of 1903, the same being "An Act to incorporate the Town of Chocowinity in Beaufort County," is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 264 **CHAPTER 513**

AN ACT AUTHORIZING THE TOWN OF SOUTHERN PINES TO APPROPRIATE AND SPEND THE SUM OF TWELVE THOUSAND DOLLARS, DERIVED FROM THE ISSUANCE AND SALE OF BONDS OF SAID TOWN FOR THE ACQUISITION AND IMPROVEMENTS OF PLAY OR RECREATION GROUNDS, FOR THE NECESSARY EXPENSES OF SAID TOWN.

Preamble:

Certain bonds for recreation ground, Southern Pines, validated, 1945.

WHEREAS, the Town of Southern Pines, in the year 1944, duly issued and sold bonds of said town in the sum of twelve thousand dollars ($12,000.00) for the purpose of financing the acquisition and improvements of certain lands in said town for use by the inhabitants of said town as a play or recreation ground, the issuance and sale of which bonds was validated by Chapter 52 of the Public Laws of North Carolina, Session of 1945; and

Land intended for recreation grounds purchased and used by private parties, same purpose.

WHEREAS, since the issuance and sale of said bonds was had, the lands upon which said town had planned to make said improvements, as aforesaid, have been purchased by private parties and are now being used for the purposes originally planned by said town; and

Use of funds for purpose of bond issue not required.

WHEREAS, it now appears unlikely that the said Town of Southern Pines will need or be required to spend the funds, derived from the issuance and sale of said bonds, for the purposes for which said bonds were originally issued and sold; and

Possible need of funds for town expenses.

WHEREAS, the said town might need, or deem it advisable, to appropriate and spend the funds, derived from the issuance and sale of said bonds, for the necessary expenses of said town: *Now, therefore,*

The General Assembly of North Carolina do enact:

Use of funds from recreation bonds for necessary town expenses, Southern Pines, authorized.

SECTION 1. That, whenever, in the opinion of a majority of the Members of the Board of Commissioners of the Town of Southern Pines, the moneys and funds, with all interest on the same, derived from the issuance and sale of bonds of said town, in the sum of twelve thousand dollars ($12,000.00), are not needed or necessary for the purposes for which said bonds were originally issued and sold, the said town, by a vote of a majority of the members of the board of commissioners of said town, is hereby authorized and empowered to appropriate and spend said moneys and funds in discharge and payment of the necessary expenses of said town: *Provided*, the authority herein granted shall not be construed as prohibiting said town from spending said moneys and funds for the purposes for

which the bonds were originally issued and sold, in the event the town decides said funds are needed or necessary for said purposes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 270 **CHAPTER 514**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY AND THE GOVERNING AUTHORITIES OF MUNICIPALITIES THEREIN TO ADJUST OR CANCEL DELINQUENT AD VALOREM TAXES AND SPECIAL IMPROVEMENT AND BENEFIT ASSESSMENTS.

The General Assembly of North Carolina do enact:

Adjustment or cancellation of delinquent taxes, 1927-1943, County of Montgomery and municipalities in county, authorized.

SECTION 1. The Board of County Commissioners of Montgomery County and the governing boards of all municipalities therein are hereby authorized to adjust, compromise, or cancel any delinquent ad valorum or poll tax, special improvement and benefit assessments, including penalties, interest and cost accruing thereon for the years 1927 through 1943, inclusive, in all instances where, in the judgment of the Board of County Commissioners or the governing body of any municipality of Montgomery County, the full amount of such taxes, special improvement and benefit assessments, including penalties, interest and cost, together with the cost of foreclosure, are uncollectable and the total value of the property liable for any such delinquent taxes or improvement and benefit assessments, including penalties and interest, is less than the cost of collection or foreclosure: *Provided,* that no such delinquent account shall be canceled in its entirety without any payment whatsoever being required thereon, except in cases where, in the judgment of the Board of County Commissioners or of the governing body of any municipality in Montgomery County, the total value of all property liable for such tax or assessment account does not equal the cost of collection or foreclosure.

Grounds for making adjustments, etc.

Restriction upon exercise of power.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 271 **CHAPTER 515**

AN ACT TO AMEND SENATE BILL NO. 96, RATIFIED ON THE 19TH DAY OF FEBRUARY, 1947, RELATING TO DELINQUENT TAXES, SO AS TO MAKE THE PROVISIONS OF THE SAME APPLICABLE TO THE COUNTY OF MONTGOMERY AND MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2 of Senate Bill No. 96, ratified on the 19th day of February, 1947, be, and the same is hereby, amended to read as follows:

Ch. 96, Session Laws, 1947, as to delinquent taxes, amended; application to Montgomery County and municipalities therein.

SEC. 2. The provisions of this Act shall apply to the County and City of Durham and to Montgomery County and all municipalities therein.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 296 **CHAPTER 516**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF HAYWOOD COUNTY TO APPROPRIATE TO THE GENERAL COUNTY FUND ALL AMOUNTS COLLECTED FROM TAX ACCOUNTS MORE THAN TWO YEARS DELINQUENT.

The General Assembly of North Carolina do enact:

SECTION 1. From and after July 1st, 1947, the Board of County Commissioners of Haywood County is hereby authorized to appropriate and credit to the general county fund all moneys on hand representing collections from any ad valorem tax

Haywood County Commissioners authorized to appropriate funds, delinquent taxes, to general fund.

account which, at the time of collection, was more than two years delinquent.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 306 **CHAPTER 517**

AN ACT TO ABOLISH THE OFFICE OF COUNTY TREASURER IN ORANGE COUNTY AND ASSIGN AND TRANSFER THE DUTIES OF TREASURER TO THE COUNTY ACCOUNTANT.

The General Assembly of North Carolina do enact:

Office of Treasurer, Orange County, abolished.

SECTION 1. Effective as of the first Monday in December, 1948, the Office of Treasurer of Orange County is abolished.

Transfer of duties to County Accountant.

SEC. 2. All of the duties and functions of the office of treasurer, on the first Monday in December, 1948, shall be transferred to the county accountant and it shall be his duty to perform all of the duties and functions of treasurer, with the same liabilities, responsibilities and penalties now attached to the office of county treasurer. The county accountant shall give bond in the amount now required of the county treasurer.

Bond of County Accountant.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 318 **CHAPTER 518**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NASHVILLE IN NASH COUNTY AND EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN TWO MILES OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Jurisdiction of police officers, Nashville, extended.

SECTION 1. The chief of police and each and every member of the police department of the Town of Nashville, in Nash County, are hereby given the same jurisdiction, and they are vested with the same power and authority, in all territory situated within two miles of the corporate limits of said Town of Nashville as is now or may hereafter be provided by law to be exercised by police officers within the corporate limits of the said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 335 **CHAPTER 519**

AN ACT APPROVING THE ACTION OF THE BOARD OF INVESTIGATION APPOINTED BY SENATE BILL NO. 188 WITH REFERENCE TO THE AFFAIRS OF THE HALIFAX COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD AND THE HALIFAX COUNTY BOARD OF COMMISSIONERS.

Preamble:

Appointment of Board of Investigation, Halifax County.

WHEREAS, Senate Bill No. 188 at this Session of the General Assembly appointed a Board of Investigation for Halifax County for the purposes set out in said bill; and

Report of Board to 1947 General Assembly.

WHEREAS, the said Board of Investigation for Halifax County has made its report in writing, which is as follows:

Meeting and qualification of Board members.

"Pursuant to directions as set forth in Senate Bill 188, the Investigating Board of Halifax County met at the Courthouse in Halifax at ten A. M. March 3rd, 1947, and, having been duly sworn, elected Mr. F. H. Gregory chairman and Mr. Ennis Bryan secretary. The members present were Mr. Ira J. Hoover,

Mr. C. J. Leonard, and Mr. S. H. Akers, and Mr. Ennis Bryan. At that meeting the secretary was directed to give notice through all newspapers and radio stations within the County of Halifax of a public hearing to be held at ten A. M. March 10th, 1947, at the Courthouse in Halifax. The meeting was then adjourned.

Notice of hearing.

Meeting of Board.

"The Investigation Board of Halifax County, in regular meeting held in the County Commissioners' Room, Halifax County Courthouse, Monday, March 10th, 1947, with all members present, adopted the following resolution by a unanimous vote:

Findings of Board.

"Resolved that the Investigation Board of Halifax County finds that Mr. G. H. Johnson, acting as Temporary Supervisor of the Halifax County Alcoholic Beverages Control Board from July 2nd, 1943, to February 1st, 1947, may have technically but not intentionally violated the law with reference to his accepting appointment as such temporary supervisor. However, in view of the evidence presented to it, this board feels that Mr. Johnson's services were of substantial benefit to the county and that in all justice and equity he should be allowed the sums heretofore paid him by the Halifax County Alcoholic Beverages Control Board as shown by its records, amounting to four thousand six hundred and thirty-two dollars ($4,632.00) plus mileage.

Further findings.

"This board further finds, from the evidence taken, that through the resignation of the former supervisor and the resignation of a member of the Alcoholic Beverages Control Board, the business of the Alcoholic Beverages Control Board was thrown into a state of emergency; and this Board of Investigation feels that the Halifax County Alcoholic Beverages Control Board is to be commended on the prompt action it took to straighten out its affairs and that the county profited from this prompt action.

"Attached hereto is a statement showing the managerial salaries of the Halifax County Alcoholic Beverages Control Board for the fiscal years beginning July 1st, 1940, through June 30th, 1946, and the period from July 1st, 1946, through January 31st, 1947.

"This board further finds that by reason of ignorance of the law Mr. J. R. Wrenn was overpaid in the amount of two hundred ten dollars ($210.00) and that this sum has been returned to Halifax County. Additional findings.

"/s/ FLETCHER H. GREGORY
Chairman
/s/ ENNIS BRYAN
Secretary"

Now, therefore:

The General Assembly of North Carolina do enact:

SECTION 1. That the report filed by the said Board of Investigation for Halifax County is hereby accepted and approved. Approval of report of Halifax County Board of Investigation.

SEC. 2. That the compensation paid to G. H. Johnson, acting as Temporary Supervisor of the Halifax County Alcoholic Beverages Control Board from July 2nd, 1943, to February 1st, 1947, in the total sum of four thousand six hundred thirty-two dollars ($4,632.00), or the average sum of one hundred seven dollars and seventy-two cents ($107.72) per month, plus mileage, is hereby in all respects ratified, approved and validated; and the said Halifax County Alcoholic Beverages Control Board is relieved of all liability on account of having made said payment to the said G. H. Johnson, and said G. H. Johnson is relieved of all liability on account of having received the same. Compensation paid to G. H. Johnson by Halifax County A. B. C. Board, validated. A. B. C. Board and G. H. Johnson relieved of liability.

SEC. 3. That the action of the Board of Commissioners of Halifax County in erroneously making per diem payments to J. R. Wrenn, as chairman, in excess of the amount due him of two hundred ten dollars ($210.00), which overpayment was refunded by the said J. R. Wrenn when same was called to his attention and accepted by the said Board of Commissioners of Halifax County in settlement thereof, is hereby approved. And the action of the Halifax County Alcoholic Beverages Control Board in accepting from G. H. Johnson the sum of three hundred three dollars ($303.00), paid to G. H. Johnson as per diem allowances, which was refunded by said G. H. Johnson when called to his attention and accepted by the said Board of Commissioners of Halifax County in settlement thereof, is hereby approved. Action of Board of Commissioners, Halifax County, as to payments to J. R. Wrenn, validated. Action of A. B. C. Board as to per diem payments, G. H. Johnson, validated.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 26 **CHAPTER 520**

AN ACT TO AMEND SECTION 153-77 OF THE GENERAL STATUTES SO AS TO AUTHORIZE COUNTIES TO ISSUE BONDS AND LEVY TAXES FOR THE ACQUISITION AND IMPROVEMENT OF LANDS AND THE ERECTION THEREON OF BUILDINGS TO BE USED AS A CIVIC CENTER AND AS A LIVING MEMORIAL TO VETERANS OF WORLD WAR I AND WORLD WAR II.

The General Assembly of North Carolina do enact:

G. S. § 153-77, amended.

SECTION 1. That Section 153-77 of the General Statutes be, and the same is, hereby amended by adding at the end thereof a new paragraph to read as follows:

County bonds for memorials to war veterans, authorized.

(1) Acquisition and improvement of lands and the erection thereon of buildings to be used as a civic center or indoor or out of door stadium and as a living memorial to veterans of World War I and World War II.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 239 **CHAPTER 521**

AN ACT TO REPEAL CHAPTER 50 OF THE PRIVATE LAWS OF 1927.

The General Assembly of North Carolina do enact:

Ch. 50, Private Laws, 1927, changing corporate limits of Whiteville, repealed.

SECTION 1. That Chapter 50 of the Private Laws of 1927 be and the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 298 CHAPTER 522

AN ACT TO AMEND SECTION 116-147 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EXTENSION OF EDUCATIONAL BENEFITS TO CHILDREN OF WORLD WAR VETERANS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 116-147 of the General Statutes of North Carolina, as amended by Section 2 of Chapter 723 of the Session Laws of 1945, as set out in the 1945 General Statutes Cumulative Supplement, be, and the same is hereby, amended by striking out the word "five" in lines 13, 15, and 18 of said Section and inserting in lieu thereof the word "ten." G. S. § 116-147, as amended, further amended, as to educational benefits for children of war veterans.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 391 CHAPTER 523

AN ACT AUTHORIZING THE CITY OF HIGH POINT, NORTH CAROLINA, TO PROVIDE BY ORDINANCE MINIMUM BUILDING REQUIREMENTS FOR ALL NEW DWELLINGS OR STRUCTURES INTENDED TO BE USED FOR HUMAN HABITATION.

The General Assembly of North Carolina do enact:

SECTION 1. The City of High Point, North Carolina, is hereby authorized to provide by ordinance minimum building requirements for all new dwellings or structures in the City of High Point that are intended to be used for human habitation, erected after the effective date of any ordinance or ordinances adopted pursuant to this statute. Minimum building requirements for new dwellings, City of High Point, authorized.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 459 **CHAPTER 524**

AN ACT TO AUTHORIZE THE BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF HIGH POINT TO SELL CERTAIN PROPERTY BELONGING TO SUCH BOARD OF SCHOOL COMMISSIONERS.

The General Assembly of North Carolina do enact:

Board of School Commissioners, High Point, authorized to sell school property no longer needed.

SECTION 1. The Board of School Commissioners of the City of High Point shall have power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any real property belonging to such board of school commissioners and apply the proceeds as such board of school commissioners thinks best; *provided*, that such board of school commissioners shall have first determined by resolution that such real property to be sold is no longer needed for school purposes. Such board of school commissioners shall have authority to pay not in excess of five per centum (5%) commission on the sale of any such property.

Sale commissions.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 494 **CHAPTER 525**

AN ACT TO VALIDATE CONVEYANCES AND/OR CONTRACTS OF THE BOARD OF EDUCATION OF CARTERET COUNTY AFFECTING PROPERTY NOT NECESSARY FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Sales, conveyances of properties by Carteret County Education Board, validated.

SECTION 1. That all sales of real property, and all deeds made, executed and delivered therefor, and indentures affecting said properties, prior to the 15th day of February, 1946, for good and valuable consideration, by the Board of Education of Carteret County, without compliance with the provisions of Section 115-86 of the General Statutes, or other statute, as to advertising and outcry of sale, are hereby in all respects validated, ratified and confirmed, and said deeds are hereby declared to be valid conveyances of the lands and premises therein described, and said indentures and sales are ratified, confirmed and validated.

SEC. 2. Nothing in this Act shall be construed to affect any pending litigation. Pending litigation not affected

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 510 CHAPTER 526

AN ACT TO AMEND G. S. 20-129 SO AS TO PERMIT TWO-WHEEL TRAILERS TO BE EQUIPPED WITH TWO REAR REFLECTORS IN LIEU OF A REAR LAMP.

The General Assembly of North Carolina do enact:

SECTION 1. Section 20-129 of the General Statutes is hereby amended by adding a new paragraph at the end of Subsection (d) of said Section to read as follows: G. S. § 20-129, amended.

Notwithstanding the provisions of the first paragraph of this Subsection, it shall not be necessary for a trailer, licensed for not more than 2500 pounds, to carry or be equipped with a rear lamp, provided such vehicle is equipped with and carries at the rear two red reflectors, each not less than four inches in diameter, and to be of a type approved by the commissioner, and which are so designed, located as to height and maintained as for each reflector to be visible for at least five hundred feet when approached by a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway, such reflectors to be placed at the extreme end of the load. Certain trailers not required to have rear lamp when equipped with red rear reflectors.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 541 **CHAPTER 527**

AN ACT TO AMEND SECTION 20-217 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REQUIREMENT THAT MOTOR VEHICLES STOP FOR SCHOOL BUSSES IN CERTAIN INSTANCES SO AS TO MAKE THE PROVISIONS OF SAID SECTION APPLICABLE TO SUNDAY SCHOOL AND CHURCH BUSSES.

The General Assembly of North Carolina do enact:

G. S. § 20-217, amended.

SECTION 1. That Section 20-217 of the General Statutes of North Carolina be, and the same is hereby, amended to read as follows:

Motor vehicles required to stop for school busses, church and Sunday School busses, in certain instances.

20-217. Every person using, operating, or driving a motor vehicle upon or over the roads or highways of the State of North Carolina, or upon or over any of the streets of any of the incorporated towns and cities of North Carolina, upon approaching from any direction on the same highway any school bus transporting children to or from school or any church or Sunday School bus transporting children to or from church or Sunday School, while such bus is stopped and engaged in receiving or discharging passengers therefrom upon the roads or highways of the State or upon any of the streets of any incorporated cities and towns of the State, shall bring such motor vehicle to a full stop before passing or attempting to pass such bus and shall remain stopped until said passengers are received or discharged at that place and until the "stop signal" of such bus has been withdrawn or until such bus has moved on.

Sign required identifying bus.

The provisions of this Section are applicable only in the event the school, church or Sunday School bus bears upon the front and rear thereof a plainly visible sign containing the words 'school bus' or the words "church bus" or "Sunday School bus" in letters not less than five inches in height.

Punishment for violations.

Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars ($50.00), or imprisoned not to exceed thirty days.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 585 **CHAPTER 528**

AN ACT TO AMEND CHAPTER 107 OF THE PRIVATE LAWS OF 1931 AND ALL ACTS AMENDATORY THEREOF RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 107, Private Laws, 1931, amended, to clarify certain charter provisions, City of High Point.

SECTION 1. That Article 2 of Chapter 107 of the Private Laws of 1931 be amended by adding at the end thereof and by making it clear that Section 5 of Chapter 305 of the Public Laws of 1909 Session of the General Assembly and Section 1 of Chapter 332 of the Private Laws of 1911 are still a part of the Charter of the City of High Point:

Powers of ordinance, City of High Point.

Powers of Ordinance. The City of High Point shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order and security of the city and its inhabitants; to protect the lives, health and property of all the inhabitants of said city, and to enact and to enforce any and all ordinances upon any subject: *Provided,* that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this Act; and *provided further,* that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this Act to grant to and bestow upon the inhabitants of the City of High Point and the City of High Point full power of self-government; and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina or by the provisions of the Constitution of the State of North Carolina. All ordinances of the city, when printed and published and bearing on the title page thereof the words "Ordained and published by the City Council of the City of High Point," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof; *provided, further,* that this Section shall apply with equal force to the territory outside of the city limits, and within one mile of same in all directions.

Prima facie evidence of authenticity of ordinances enacted.

Application of powers within mile of city limits.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 600 **CHAPTER 529**

AN ACT AUTHORIZING THE SHERIFF OF CLEVELAND COUNTY TO APPOINT NOT EXCEEDING EIGHT FULL TIME DEPUTY SHERIFFS AND TO EQUIP THE AUTOMOBILES WITH RECEIVING AND TRANSMITTING RADIO SETS.

The General Assembly of North Carolina do enact:

Sheriff, Cleveland County, authorized to appoint fulltime deputies; salaries.

Telephone and automobile required.

SECTION 1. The Sheriff of Cleveland County is authorized to appoint not exceeding eight full time deputy sheriffs who shall receive a monthly salary to be fixed by the Cleveland County Board of Commissioners. Such deputy sheriffs shall maintain a telephone in their homes and provide an automobile for use in the performance of their duties, all at their own expense, except that on trips out of the county when they shall receive five cents (5c) per mile for operating expense. All fees of every kind and nature for serving all forms of process or

Fees payable to general fund.

received as witness fees shall be turned over to the county general fund.

Appointment of extra deputies for emergencies.

SEC. 2. In cases of emergency, upon authorization by the board of county commissioners, the Sheriff of Cleveland County may appoint additional deputy sheriffs during the period of such emergency and they shall be paid on a per diem basis to be fixed by the board of commissioners; and the term of office of such deputies shall expire at the end of the emergency.

Authority to require deputies to give bond.

SEC. 3. The board of commissioners and/or the sheriff may require a bond in the sum of one thousand dollars ($1,000.00) of such deputy sheriffs for the faithful performance of their official duties, and the premium thereon shall be paid by the county.

Purchase and installation of shortwave radio system.

SEC. 4. The board of county commissioners is authorized and empowered to purchase and install a shortwave radio transmitter in the sheriff's office, jail, or other suitable place and install receiving and transmitter sets in the cars of the sheriff and the full time deputy sheriffs and to appropriate from year

Appropriations for maintenance.

to year a sufficient sum to maintain such radio system.

Authority to require uniforms for deputies.

SEC. 5. The sheriff may require the full time deputy sheriffs while on duty to wear uniforms to be designated by the sheriff and to be paid for by the county.

Effectiveness of provisions of this Act, subject to action by County Commissioners.

SEC. 6. None of the provisions of this Act shall be effective, and the sheriff shall not exercise any of the authority herein authorized, until the Board of County Commissioners of Cleveland County, by proper resolution, adopts the provisions thereof

and declares the provisions of the Act to be in full force and effect. *Provided, however,* the board may adopt any one or more of the provisions of this Act and reject any one or more of the same.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 637 CHAPTER 530

AN ACT TO AMEND GENERAL STATUTES 136-29 WITH REFERENCES TO CONTROVERSIES CONCERNING STATE HIGHWAY CONTRACTS.

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes 136-29 be and the same is hereby amended as follows: G. S. § 136-29, amended, as to procedure for settlement of controversies concerning State highway contracts.

Strike out from said Section the following sentence beginning in line seventeen, to-wit:

"Upon receipt of the said appeal, the Chairman of the State Highway and Public Works Commission shall immediately appoint a committee of three members of the said commission, no one of whom shall be the commissioner from the division in which the said work was done; and the committee so appointed shall promptly set a time and place for the hearing of the said appeal."

Insert in lieu thereof the following sentence, to-wit:

Upon receipt of said appeal the Chairman of the State Highway and Public Works Commission shall promptly appoint some competent person, and the claimant shall likewise select a competent person, and these two shall elect a third such person, the three of whom shall constitute a Board of Review, and shall promptly set a time and place for the hearing. Appointment of Board of Review to determine appeals from State Highway engineer.

SEC. 2. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 693 CHAPTER 531

AN ACT TO VALIDATE GUARDIANS' DEEDS WHERE SEALS OMITTED.

The General Assembly of North Carolina do enact:

Deeds by guardians omitting seal, prior to Jan. 1st, 1944, validated.

SECTION 1. All deeds executed prior to the first day of January, 1944, by any guardian, acting under authority obtained by him from the Superior Court as required by law, in which the guardian has omitted to affix his seal after his signature and/or has omitted to affix the seal after the signature of his ward shall be good and valid, and shall pass the title to the land which the guardian was authorized to convey: *Provided, however,* this Act shall not apply to any pending litigation.

Not applicable to pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 706 CHAPTER 532

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CABARRUS COUNTY TO LICENSE AND REGULATE ALL VEHICLES OPERATED FOR HIRE IN UNINCORPORATED CITIES AND TOWNS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Cabarrus County Commissioners authorized to license and regulate for-hire vehicles in unincorporated municipalities.

SECTION 1. The Board of County Commissioners of Cabarrus County are authorized and empowered to license and regulate all vehicles operated for hire in unincorporated cities and towns in Cabarrus County; to require that the operator of every jitney bus or taxicab and of every other motor vehicle, (other than jitney busses and taxicabs, operated under the jurisdiction of the Utilities Commission of North Carolina), engaged in the business of transporting passengers for hire over the public streets of such unincorporated city or town shall furnish and keep in effect for each such jitney bus, taxicab or other such motor vehicle so operated a policy of insurance or surety bond with sureties whose solvency shall at all times be subject to

Insurance requirements.

the approval of the Board of County Commissioners of Cabarrus County, said policy of insurance or surety bond to be in such amount as may be fixed by the Board of County Commissioners of Cabarrus County, not to exceed the sum of ten thousand dollars ($10,000.00), and to be conditioned on such operator responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of any such jitney bus, taxicab or other such motor vehicle, and to be filed with the Board of County Commissioners of Cabarrus County as a condition precedent to the operation of any such jitney bus, taxicab or other such motor vehicle over the streets of such unincorporated city or town.

Condition of insurance policy or bond.

SEC. 2. That this Act shall apply to Cabarrus County only.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 745 CHAPTER 533

AN ACT AUTHORIZING THE TOWNS OF MAXTON AND LAURINBURG TO DISPOSE OF THEIR INTERESTS IN THE MAXTON-LAURINBURG AIRPORT, AND TO FACILITATE SUCH DISPOSITION.

The General Assembly of North Carolina do enact:

SECTION 1. The governing bodies of the Town of Maxton in Robeson County and the Town of Laurinburg in Scotland County are hereby authorized and empowered to take such joint action as they may agree upon in order to dispose of such joint and several interests as these two municipalities may own in any portion of that property in Scotland County known as the Maxton-Laurinburg Airport.

Laurinburg and Maxton authorized to dispose of interests in Maxton-Laurinburg Airport.

SEC. 2. The authority herein granted shall specifically include the right to dispose of any such interest by public or private sale, with or without advertisement, and to convey the same by deeds or other proper instruments.

Exercise of authority.

Authority to acquire adjacent properties.

SEC. 3. In order to facilitate such sale and to enhance the value of the interests of the Towns of Maxton and Laurinburg in such property, the governing bodies of the Towns of Maxton and Laurinburg are further authorized to acquire by their joint action through purchase or otherwise such tracts of land adjoining that portion of the Maxton-Laurinburg Airport in which these two municipalities have interest, as may in the judgment of such governing bodies be necessary to preserve or to enhance the interest of the Town of Maxton and Laurinburg in such property.

Purpose.

Prior transactions validated.

SEC. 4. All acts or transactions heretofore undertaken or performed in good faith by the governing bodies of the Towns of Maxton and Laurinburg in furtherance of the acquirement, development, maintenance or disposition of any portion of the Maxton-Laurinburg Airport are hereby validated and confirmed.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 749 CHAPTER 534

AN ACT TO MAKE THE OFFICE OF COUNTY TREASURER OF GUILFORD COUNTY APPOINTIVE INSTEAD OF ELECTIVE.

The General Assembly of North Carolina do enact:

Expiration date of term of Treasurer, Guilford County.

SECTION 1. The term of office of the present County Treasurer of Guilford County shall expire on June 30th, 1947, instead of on the first Monday in December, 1948.

Appointment of County Treasurer.

Term.

SEC. 2. The Commissioners of Guilford County on or before the first Monday in June, 1947, shall appoint a County Treasurer for Guilford County, who shall hold office at the will of the county commissioners.

Duties.

SEC. 3. The duties of the county treasurer shall be those now imposed by law upon county treasurers and such other duties as the county commissioners may see fit to impose upon him.

Compensation.

SEC. 4. The compensation of the County Treasurer of Guilford County shall be fixed by the county commissioners.

SEC. 5. In case the office of county treasurer shall become vacant between the date of ratification of this Act and June 30th, 1947, the vacancy shall be filled by the county commissioners for the unexpired term ending June 30th, 1947.

Vacancies filled.

SEC. 6. All laws, or clauses of laws, Public, Public-Local, or Private, in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 752 CHAPTER 535

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND PAVING ASSESSMENTS IN THE TOWN OF EAST FLAT ROCK.

The General Assembly of North Carolina do enact:

SECTION 1. When it shall appear to the satisfaction of the Board of Commissioners of the Town of East Flat Rock, that the unpaid portion of street and sidewalk assessments due and to become due, together with all unpaid taxes heretofore levied by the town, or by the County of Henderson, against any piece or parcel of land within the Town of East Flat Rock, shall in the opinion of the commissioners, amount in the aggregate to as much or more than the reasonable market value of any such piece or parcel of land, the said commissioners are hereby authorized and empowered to reduce the amount of said assessments and taxes to such sum as is fair and just, and will best subserve the interests of the town. That the application for such reduction shall be made by some person, firm or corporation, who has an interest in the property, and such reduction as may be allowed shall be deducted by the town tax collector upon the payment of the unpaid balance, and which balance shall be paid within thirty days from the making of the order allowing such reduction, or such order shall thereupon become null and void; *provided*, that this Act shall apply only to taxes for the year 1946, and previous years, and shall not be construed as changing the valuation of any of said property placed thereon by the Board of Commissioners of Henderson County for any years subsequent to the year 1946.

Town Commissioners of East Flat Rock authorized to adjust certain unpaid taxes and assessments.

Application for reduction.

Payment of unpaid balance after reduction.

Applicable to 1946 and prior years.

SEC. 2. That the settlement of any adjustment of taxes or paving assessments made hereunder, shall be made in cash.

Cash settlements required.

Previous reductions confirmed.

SEC. 3. That any and all settlements heretofore made or authorized by the Board of Commissioners of the Town of East Flat Rock with taxpayers, wherein reductions have been allowed in taxes or paving assessments, or both, be and the same are hereby in all respects ratified and confirmed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 767 CHAPTER 536

AN ACT AUTHORIZING THE TOWN OF CANTON TO ENTER UPON PROPERTY FOR PUBLIC PURPOSES AND PROVIDING FOR THE PAYMENT OF DAMAGES TO THE OWNER OF SAID PROPERTY.

The General Assembly of North Carolina do enact:

Town of Canton, power to enter private property to survey and inspect for certain purposes.

SECTION 1. The town of Canton, through its governing body, is authorized and empowered to enter upon the property of any person, firm or corporation within the corporate limits of Canton as now constituted, or may be hereafter constituted, for the purpose of surveying and inspecting said premises expected to be used by said town for streets, sidewalks, water lines, sewer lines, or for any other public purpose.

Immediate power to commence public improvements, pending settlement with owners.

SEC. 2. That if the town of Canton is unable to agree with the property owner, or owners, as to the amount of damages sustained, or to be sustained, by reason of the taking or using of property for the purposes herein set forth, or if the owners cannot immediately convey such rights to the Town of Canton, then said town is authorized and empowered to proceed to make such improvements.

Claims for damages by property owners.

SEC. 3. That after the improvements, as herein specified, have been made by the Town of Canton, the property owner, or owners, may file a claim with the Clerk of the Town of Canton for damages sustained; and if the town and the property owner, or owners, are unable to agree upon the amount of said claim, then the board of aldermen of said town, shall, within thirty days after the filing of said claim, appoint three disinterested freeholders who are residents of said town who shall

Procedure for assessing damages in case of disagreement.

go upon the premises and view the same and hear the contentions of the parties and assess the damages accrued to such property, taking into consideration the benefits which have accrued to the property from the improvements and report the same to the board of aldermen who shall pay the damages assessed, if any.

Appeal by Town or property owner to Superior Court.

SEC. 4. If either the property owner, or owners, or the Town of Canton is dissatisfied with the report of said commissioners, then either may appeal to the Superior Court of Haywood County upon serving written notice of such appeal within twenty days from the filing of the report of the commissioners, and the appellant shall file a statement of facts which will constitute the complaint; and the appellee shall file a statement of facts which will constitute the answer, and no other pleadings shall be necessary in said action, unless required by the court; and the same shall be tried in the Superior Court in the same manner and to the same effect as any other civil action, together with the right to appeal to the Supreme Court.

Procedure.

Appeal to Supreme Court.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 768 **CHAPTER 537**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTERS 122, 35 AND 130 RELATING TO HOSPITALS FOR THE MENTALLY DISORDERED, GUARDIANSHIP OF THE MENTALLY DISORDERED AND FEEBLE-MINDED, AND TO SURGICAL OPERATIONS ON INMATES IN STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Purposes of Act.

SECTION 1. The purposes of this Act shall be to authorize the North Carolina Hospitals Board of Control to acquire Camp Butner and to establish there an institution similar to the other State Hospitals and a colony of feeble-minded.

Acquisition of Camp Butner; use as mental hospital.

Transfer of patients between mental institutions.

To authorize the transfer there of patients and children from the other institutions under the North Carolina Hospitals Board of Control.

Rules regarding admission to institutions.

To authorize the transfer of patients or inmates between the institutions under the control of the North Carolina Hospitals Board of Control, and to authorize rules and regulations in regard to admission of persons to these institutions.

Simplification of commitment laws.

To simplify the commitment laws for State Hospitals; also to provide for release, discharge and termination of commitment of patients.

Establishment of requirements for care in State Hospitals; reciprocal agreements with other states.

To authorize the North Carolina Hospitals Board of Control to establish requirements for care in State Hospitals of this State and to make reciprocal agreements with other states in this regard, and to authorize the interstate transfer of mental patients.

Emergency operations on inmates.

To provide a means to obtain authority for emergency life-saving operations on inmates of State Institutions, when the family cannot be reached and permission obtained.

G. S. § 122-1, rewritten.

SEC. 2. Section 122-1 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Incorporation and names of State Hospitals for mental patients.

Section 122-1. Incorporation and names. The hospital for the mentally disordered, located near Morganton, shall be and remain a corporation under this name: The State Hospital at Morganton. The hospital for the mentally disordered, located near Raleigh, shall be and remain a corporation under this name: The State Hospital at Raleigh. The hospital for the mentally disordered, located near Goldsboro, shall be and remain a corporation under this name: The State Hospital at Goldsboro.

N. C. Hospitals Board of Control authorized to acquire property and operate hospital thereon.

The North Carolina Hospitals Board of Control shall be authorized to acquire property and to establish, operate and maintain thereon a hospital or institution and to exercise with respect to such hospital or institution the same property rights and powers as are exercised by it with respect to the State Hospitals above referred to. Under their respective names each corporation is invested with all the property and rights heretofore held by each, under whatsoever name called or incorporated, and all other corporate names are hereby abolished. Hereafter in this Chapter, when the above names are used, they shall be deemed to relate back to and include the corporation under whatsoever name it might heretofore have had.

G. S. § 122-2, rewritten.

SEC. 3. Section 122-2 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Power of mental institutions to acquire and hold property.

SECTION 122-2. Power to acquire and hold property. The State Hospital at Morganton, the State Hospital at Goldsboro, and any institution established, operated and maintained by the

North Carolina Hospitals Board of Control, may each acquire and hold, for the purpose of its institution, real and personal property by devise, bequest, or by any manner of gift, purchase or conveyance whatsoever.

SEC. 4. Chapter 122 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section to be designated as Section 122-2.1, which Section shall read as follows: G. S., Ch. 122, amended.

SECTION 122-2.1. Power to acquire and hold property conveyed by Federal Government. The North Carolina Hospitals Board of Control shall be and is authorized and empowered to accept, acquire and hold any real or personal property conveyed to it by an agency of the Federal Government with such reversionary restrictions imposed upon it by Federal Statute. The North Carolina Hospitals Board of Control may use and maintain such property in the same manner as if it held title in fee simple, and may construct such buildings upon it as are necessary to accomplish the purposes of the institution. Power of Board of Control to acquire and hold property conveyed by U. S. Government. Use of property.

SEC. 5. Section 122-3 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows: G. S. § 122-3, as amended, rewritten.

SECTION 122-3. Division of patients among the several institutions under the North Carolina Hospitals Board of Control. The State Hospital at Raleigh and the State Hospital at Morganton shall be exclusively for the accommodation, maintenance, care and treatment of white mentally disordered persons of the State, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment for the colored mentally disordered, epileptic, feeble-minded, and inebriate of the State. Division of patients between institutions.

White epileptics shall be admitted to the State Hospital at Raleigh as now provided by law, and may by action of the North Carolina Hospitals Board of Control be transferred to another institution under the North Carolina Hospitals Board of Control when in the opinion of the Board such is in the best interests of the epileptic patients and the institutions. Admission and transfer of white epileptics.

The North Carolina Hospitals Board of Control shall have the authority to establish rules and regulations not contrary to law governing the admission of persons to any State Hospital or other institution under its control which is now or may be established: Clerks of Superior Court of the several counties of the State may make commitments to such institutions in the same manner now provided by law for the several State Hospitals and Caswell Training School. Power to establish rules and regulations as to admissions. Commitments by Clerks of Superior Court.

Admission of particular classes of patients to particular institutions.

The North Carolina Hospitals Board of Control is hereby given authority to admit certain classes of patients to any one of the institutions under its control and shall notify the Clerks of Superior Court of its action. Sections 116-129 through 116-137 shall apply to any colonies for feeble-minded persons and to feeble-minded persons held in any colonies *providing* that Section 116-135 shall apply only to Caswell Training School.

Application of G. S. § § 116-129—116-137, inclusive.

G. S. § 122-4, rewritten.

SEC. 6. Section 122-4 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Division of territory among several institutions under Board of Control.

SECTION 122-4. Division of territory among the several institutions under the North Carolina Hospitals Board of Control. It shall be the duty of the North Carolina Hospitals Board of Control to designate territories for the State Hospital at Raleigh, the State Hospital at Morganton and any State Hospitals or Institutions now or hereafter established for the admission of the white mentally disordered persons of the State, with authority to change said territories when deemed necessary. It shall notify the Clerks of Superior Court of the counties of the territories designated and of any change of these territories.

Notice to Clerks of Superior Court.

G. S. § 122-5, as amended, rewritten.

SEC. 7. Section 122-5 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Care and treatment of Indians in mental hospitals.

SECTION 122-5. Care and treatment of Indians in mental hospitals. The authorities of the State Hospital at Raleigh and the State Hospital at Morganton may also receive for care and treatment mentally disordered, epileptic, and inebriate Indians who are resident within the State, and who may, within the discretion of the superintendent, be assigned to any of the wards of the hospitals.

G. S. § 122-6, as amended, rewritten.

SEC. 8. Section 122-6 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Care of epileptics.

SECTION 122-6. Epileptics cared for at Raleigh, Goldsboro, and other hospitals. Whenever it becomes necessary for any person of this State afflicted with the disease known as epilepsy to be confined or to receive hospital treatment, such person shall be committed by the Clerks of Superior Court of the several counties in the manner now provided by law for the commitment of mentally disordered persons to the several hospitals for the mentally disordered. Commitment of Negro epileptic persons shall be made to the State Hospital at Goldsboro. Commitment of White epileptic persons shall be made to the State Hospital at Raleigh. The Superintendents of the State Hos-

Negro epileptics.

White epileptics.

pitals to which such epileptic persons have been committed or transferred shall receive, care for, maintain and treat such persons as are afflicted if necessary to prevent them from becoming public charges, to the extent of the facilities of the hospital.

Superintendents directed to receive and care for epileptics.

Extent.

Charges for the patients shall be made in the same manner as now provided by law for care of mentally disordered persons.

Charges.

SEC. 9. Section 122-13 of the General Statutes of North Carolina is hereby rewritten to read as follows:

G. S. § 122-13, rewritten.

SECTION 122-13. Transfer of patients from one hospital to another; transfer of funds. The North Carolina Hospitals Board of Control is authorized to make such rules and regulations as in its discretion may seem best for the transfer of patients from one State Hospital or Institution under its control to another State Hospital or Institution under its control; and it is further authorized and empowered to transfer from one State Hospital for the mentally disordered any funds appropriated for permanent improvement or maintenance, if in their discretion and judgment it may become advisable or necessary.

Transfer of patients between hospitals; rules and regulations.

Transfer of funds.

SEC. 10. Section 122-21 of the General Statutes of North Carolina is hereby rewritten to read as follows:

G. S. § 122-21, rewritten.

SECTION 122-21. Fiscal year. The close of the fiscal year shall be that established for all State agencies.

Fiscal year.

SEC. 11. Section 122-39 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

G. S. § 122-39, as amended, rewritten.

SECTION 122-39. Only bona fide residents entitled to care in State Mental Hospitals. No Clerk of Superior Court shall commit to any State Hospital any mentally disordered person known to be a resident of another state or whose residence is unknown unless he shall state that the mentally disordered person is known to be resident of another state or that his residence is not known, and he shall give all available information concerning places in which he has been recently living.

Commitment of non-residents by Clerks of Superior Court.

Conditions.

The legal residence of a person as to his being entitled to mental hospital care shall be determined between this and the other state or states as elsewhere provided.

Determination of legal residence.

No person who shall have removed into this State while mentally disordered or while under commitment to a mental hospital in any other state, nor any person not a resident of North Carolina but under commitment to any mental institution, public or private, in this State shall be considered as a resident; and no length of residence in this State of such a person, while

Persons becoming residents, with mental disorders or under commitment, not entitled to State mental hospital care.

mentally disordered or under commitment, shall be sufficient to make him a resident of this State or entitled to State mental hospital care.

G. S. § 122-41, as amended, rewritten.

SEC. 12. Section 122-41 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

County of Settlement of mental patients committed to State Hospitals.

SECTION 122-41. County of settlement. For the purposes of this Chapter, the county of settlement of an alleged mentally disordered person shall be the county of his actual residence at the time of his commitment to the State Hospital, notwithstanding where such person may have been temporarily out of the county of settlement, in a hospital, or under court order an inmate of some other State Institution at the time of his commitment to a State Hospital, the county of residence shall not have been changed by his being temporarily out of his county, in a hospital, or by his confinement under court order.

Care and treatment limited to bona fide citizens and residents.

The provisions of this Section shall not be construed as entitling a person to care and treatment in a mental hospital unless he is a bona fide citizen and resident of this State, and was so before mental disease became manifest.

G. S. § 122-42, as amended, rewritten.

SEC. 13. Section 122-42 of the General States of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Affidavit as to mental disorder.

SECTION 122-42. Affidavit of mental disorder and request for examination. When it appears that a person is suffering from some mental disorder and is in need of observation or admission in a State Hospital, some reliable person having knowledge of the facts shall make before the Clerk of the Superior Court of the county in which alleged mentally disordered person is or resides, and file in writing, on a form approved by the North Carolina Hospitals Board of Control, an affidavit that the alleged mentally disordered person is in need of observation or admission in a hospital for the mentally disordered, together with a request that an examination into the mental condition of the alleged mentally disordered person be made.

Request for examination.

This affidavit may be sworn to before the Clerk of the Superior Court, or the Deputy Clerk of Court.

G. S. § 122-43, as amended, rewritten.

SEC. 14. Section 122-43 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Issuance of order for examination, by C.S.C.

SECTION 122-43. Clerk to issue an order for examination. When an affidavit and request for examination of an alleged mentally disordered person has been made, or when the Clerk of the Superior Court has other valid knowledge of the facts

of the case to cause an examination to be made, he shall direct two physicians duly licensed to practice medicine by the State and not holding any office or appointment except advisory or consultative in the hospital to which commitment may be made, to examine the alleged mentally disordered person or shall have him brought to them in order to determine if a state of mental disorder exists and if it warrants commitment to one of the State Hospitals or Institutions for the mentally disordered. If the said physicians are satisfied that the alleged mentally disordered person should be committed for observation and admission into a hospital for the mentally disordered, they shall sign an affidavit to that effect on a form approved by the North Carolina Hospitals Board of Control.

Physician's affidavit.

This affidavit may be sworn to before the Clerk of the Superior Court, the Assistant Clerk of the Superior Court, or the Deputy Clerk of Court, or a notary public.

SEC. 15. Section 122-46 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

G. S. § 122-46, as amended, rewritten.

SECTION 122-46. Clerk to commit for observation in a hospital, for commitment, release or discharge. When the two physicians shall have certified that the alleged mentally disordered person is in need of observation and admission in a hospital for the mentally disordered and after the clerk has heard all proper witnesses he shall issue an order of commitment on form approved by the North Carolina Hospitals Board of Control, which shall authorize the hospital to receive said person and there to examine him and observe his mental condition for a period not exceeding thirty days. The clerk may authorize the transfer of the said alleged mentally disordered person to the proper hospital, when notified by the superintendent that space is available.

Issuance of order by C.S.C. for commitment to State mental hospital.

Admission for observation.

Authority of Clerk to order transfers.

The clerk shall transmit to the hospital information relevant to the mental condition of the alleged mentally disordered person. He shall certify as to the indigency of the mentally disordered person and any persons liable for the care of the person under Sections 35-33 or 143-117 et seq. on forms approved by the North Carolina Hospitals Board of Control.

Duties of Clerk.

Indigency certified.

SEC. 16. Section 122-49.1 of the General Statutes of North Carolina, as same appears in Section 25 of Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

G. S. § 122-49.1, rewritten.

SECTION 122-49.1. Withdrawal of petition. The petitioner in proceeding to determine the mental health or mental disease of an alleged mentally disordered person may, at any time before the alleged mentally disordered person has been admitted

Withdrawal of petition to determine mental health of alleged disordered person.

to the particular State Hospital, withdraw such petition by filing with the Clerk of the Superior Court, in writing, a motion to this effect. The clerk with the written consent of the examining physicians is authorized to allow such motion. When such motion is allowed, the proceedings shall be deemed to be at an end.

G. S. § 122-51, rewritten.

SEC. 17. Section 122-51 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Fees for making mental examinations.

SECTION 122-51. Fees for examination. The following fees shall be allowed to the officers who make the examination, and they shall be paid by the county in which the alleged mentally disordered person is settled:

Fees of Clerk of Superior Court.

To the clerk who makes the examination two dollars ($2.00) and if the clerk goes to the place where the alleged mentally disordered person is or resides, five cents (5c) a mile each way in addition. This shall cover his entire costs in taking the examination and making out the necessary papers.

Fees of physicians.

To the physician or physicians called in addition to or in the absence of the county physician the sum of five dollars ($5.00). If the county physician is a salaried officer he is not allowed any fee for his services in this examination.

Fees of sheriff.

The sheriff shall be entitled to such fees as are now allowed by law for the service of a process of similar character.

G. S. § 122-63, as amended, rewritten.

SEC. 18. Section 122-63 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Proceedings in case of non-resident mentally disordered.

SECTION 122-63. Proceedings in case of a mentally disordered citizen of another state. If any person not a citizen of this State but of another state of the United States shall be ascertained to be mentally disordered, the Clerk of Superior Court shall commit such mentally disordered person to the proper State Hospital for the mentally disordered of this State, and shall record on the order of commitment his not being a resident of this State. He shall also give on the application such information available in regard to his proper residence. Upon the admission of such mentally disordered person, the superintendent of the hospital shall notify the North Carolina Hospitals Board of Control that such person appears to be resident of another state, so that the Board of Control can take steps to establish such person's residence and have him transferred to the state in which he is legally resident.

Commitment.

Notice to Board of Control of admission of non-resident.

After the legal residence of such mentally disordered person has been verified and confirmed by the state of his residence, such mentally disordered person shall be transferred to the state of his residence. If that state shall not provide for his removal to that state within a reasonable time, the Superintendent of the State Hospital shall cause him to be conveyed directly from the State Hospital to the state of his legal residence and delivered there to the Superintendent of the proper State Hospital.

Transfer to State of residence.

The cost of such proceedings and conveyance away from the State shall be borne by the county in which the person shall have been adjudged to be mentally disordered.

Cost of proceedings and conveyance from State.

The provisions of this Section shall apply only to such aforementioned mentally disordered persons who shall have been committed by the Clerk of Court to a State Hospital, and shall not be construed to limit the responsibility of the State Board of Public Welfare with respect to the return of any other nonresident to his state of residence.

Application of Section further clarified.

SEC. 19. Section 122-63.1 of the General Statutes of North Carolina, as same appears in Section 34 of the Chapter 952 of the Session Laws of 1945, is hereby written as follows:

G. S. § 122-63.1, rewritten.

SECTION 122-63.1. Transfer of mentally disordered citizens of North Carolina from another state to North Carolina. When the North Carolina Hospitals Board of Control or the State Board of Public Welfare shall have been notified by an agency of another state that there is confined within a state or psychiatric hospital of that state a mentally disordered person alleged to be a resident of the State of North Carolina, and shall have been given information to support the allegation and to aid in establishing such person's residence, the State Board of Public Welfare shall determine the residence of the alleged resident and shall report its findings to the North Carolina Hospitals Board of Control. On the basis of the findings of this investigation, and in accordance with the requirements for eligibility to State Hospital care, the North Carolina Hospitals Board of Control may authorize his return directly to the proper State Hospital for the mentally disordered at the expense of the state in which he is already confined.

Transfer of N. C. citizens with mental disorders to N. C. from another State.

Determination of residence.

Return to proper State Hospital.

The commitment of such mentally disordered person in another state, and the authorization by the Board of Control of his return shall be sufficient authority for the Superintendent of the State Hospital to hold this patient for a reasonable length of time, not to exceed thirty days or until he can be committed. Commitment of said mentally disordered person

Authority of Superintendent of State Hospital to hold returned patient.

Commitment proceedings.

shall be effected by the examination of the person by two licensed physicians not connected with the proper State Hospital for the mentally disordered. The affidavits of these two physicians shall be forwarded to the Clerk of the Superior Court of the County in which said mentally disordered person is settled, without removal of the person from the hospital. On the basis of these affidavits the clerk may order the alleged mentally disordered person for the usual thirty-day observation period.

Observation period.

G. S., Ch. 122, further amended.

SEC. 20. Chapter 122 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section to be designated as Section 122-63.2, which Section shall read as follows:

Provision for reciprocal agreements with other States.

SECTION 122-63.2. Reciprocal agreements with other states to set requirements to State Hospital care. The North Carolina Hospitals Board of Control shall have the authority to negotiate with the proper state agencies of other states in regard to the legal residence of any alleged mentally disordered person who shall have been or may be committed to any State Hospital of this State and alleged to be a legal resident of another state, or who shall have been committed to the state hospital of any other state and alleged to be a legal resident of this State, and to make reciprocal agreements with the proper agencies of the other states for the care of these mentally disordered persons by and in the proper state.

Residence requirements of other States, application to N.C.

Where the law of another state sets a definite period of time during which a person must have resided continuously within that state to be considered a legal resident or to be entitled to care and treatment in a state mental hospital, this same definite period of time may be taken as the length of time required by this State in order for the mentally disordered person to be entitled to care and treatment in a state mental hospital in this State.

G. S. § 122-67, as amended, rewritten.

SEC. 21. Section 122-67 of the General Statutes of North Carolina, as amended by Chapter 952 of the Session Laws of 1945, is hereby rewritten to read as follows:

Release of mental patients from hospital on probation.

SECTION 122-67. Release of patients from hospital; responsibility of county. When it shall appear that any mentally disordered person under commitment to and confined in a hospital for the mentally disordered but not charged with a crime or under sentence shall have shown improvement in his mental condition as to be able to care for himself, or when he shall have become no longer dangerous to the community and to himself, or when it shall appear that suitable provision can be made for the alleged mentally disordered person so that he

will not be injurious or dangerous to himself or the community, the superintendent of the hospital may in his discretion release him on probation to the care of his guardian, relative, friends or of any responsible person or agency in the community, and may receive him back into the hospital without further order of commitment during the continuance of the order of commitment which shall have not have been terminated by the action of the superintendent in releasing him on probation. The superintendent of the hospital may require of the person assuming responsibility for the mentally disordered patient released on probation reports relative to the patient's condition and evidence and assurance of responsibility.

Re-admission into into hospital without further order of commitment.

Reports during probation period.

The superintendent may terminate the release of such mentally disordered patient and order his arrest and return to the hospital, and the person responsible for the mentally disordered patient's care may notify the superintendent of the hospital or the Clerk of Superior Court of the county in which the mentally disordered patient has residence or is now located, and the Clerk of Superior Court so notified may order the mentally disordered patient held pending his return to the hospital. The superintendent shall from time to time notify the Clerk of Superior Court of the county of the patient's residence of the release or probation of a patient for more than thirty days.

Termination of release; arrest and return to hospital.

Notice to Clerk of Superior Court of release, probation.

When the patient is indigent, the county may be required to pay for the transportation of the patient to the county of his settlement.

Transportation of indigent, paid by settlement county.

It shall be the duty of the sheriff of the county to which a patient has been released, or in which he is found at the termination of his release on probation by the superintendent or by the Clerk of Superior Court, to return him to the hospital to which he is under commitment; cost of such return shall be a charge on the county in which the mentally disordered patient is resident.

Duty of sheriff to return patient to hospital.

When a person under commitment has been released on probation to his own care or to his own family, and when he is no longer under the continued care and supervision of the hospital, as in a boarding home, and when he shall have been able to remain continuously out of the hospital without returning for the period of one year, he shall be regarded as recovered from his mental illness and no longer in need of care in a mental hospital, and shall be discharged from the order of commitment at the next succeeding discharge date of the hospital as provided by rules of the North Carolina Hospitals Board of Control.

Discharge from commitment order.

G. S., Ch. 35, amended.

SEC. 22. Chapter 35 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section to be designated as 35-4.1, which Section shall read as follows:

Procedure for discharge of guardian of person committed to mental hospital upon release therefrom.

SECTION 35-4.1. Discharge of guardian by clerk on testimony of one or more practicing physicians. When any person for whom a guardian has been appointed by reason of his commitment to and confinement in a State Hospital or private hospital for mental cases or State School for the Feeble-minded shall have been discharged from that commitment by the hospital

Petition.

or school, he may petition, or in his behalf his natural or legal guardian or any interested responsible person may petition, the Clerk of Superior Court of the county of his residence or the Clerk of Superior Court of the county in which the guardian was appointed for the discharge of such guardian. The guar-

Notice to guardian.

dian shall be notified thereupon and made a party to such action, which shall be held in, or transferred to, if requested by the guardian, the county in which the guardian was appointed.

Hearing.

The clerk shall hold a hearing, which at the option of the petitioner may be without jury, and shall appoint one or more licensed physicians to examine the person in question, and to make an affidavit as to his mental state and competency to conduct his business, make contracts and sell property. On the basis of evidence presented by the interested parties and the

Determination of competency.

medical affidavits, the clerk shall determine the competency of the person and may discharge the guardian if that is deemed proper, and the person shall be able to conduct his affairs and business, make contracts, and transfer property as if he never had been committed or declared incompetent.

G. S., Ch. 35, amended.

SEC. 23. Chapter 35 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section to be designated as Section 35-4.2, which Section shall read as follows:

Restoration of rights of mentally disordered person, where no guardian.

SECTION 35-4.2. Restoration of rights of mentally disordered persons where no guardian had been appointed. When any person who shall have been committed to a State Hospital or State School for the Feeble-minded or to a private hospital for mental cases and for whom no guardian has been appointed shall have been discharged from that commitment, he may

Petition.

petition or in his behalf any interested person may petition the Clerk of the Superior Court of the county in which such person has residence for the restoration of any rights of which he may have been deprived by his commitment.

Hearing.

The clerk shall then hold a hearing, which at the option of the petitioner may be without jury, and shall appoint one or more licensed physicians to examine the person in question,

and to make an affidavit as to his mental state and competency to conduct his business, make contracts, and sell property. On the basis of evidence presented by the person and the medical affidavit or affidavits the clerk shall determine the competency of the person and may if it is deemed proper issue an order restoring any rights of which the person may have been deprived by his commitment.

Determination of competency.

Order restoring rights.

SEC. 24. Chapter 130 of the General Statutes of North Carolina is hereby amended by adding thereto to a new Section to be designated as Section 130-243.1, which Section shall read as follows:

G. S., Ch. 130, amended.

SECTION 130-243.1. Permission for surgical operations where emergency exists. Notwithstanding the provisions of Sections 130-242 and 130-243, when in the opinion of the medical staff or medical superintendent or director of a State Institution, a patient, inmate or prisoner is suffering from an acute medical or surgical condition which if allowed to continue without surgical operation will within the space of a few hours seriously endanger the life of the aforesaid patient, inmate or prisoner, and where it has not been possible within a reasonable length of time to notify, and to secure permission for the operation from some responsible member of the family for the surgical operation deemed necessary, the medical superintendent, surgical consultant, and local health officer of the county in which the institution is located shall constitute a board to pass upon the seriousness of the condition of the aforesaid patient, inmate, or prisoner and may by unanimous agreement authorize the surgical operation deemed necessary including the administration of an anesthetic and the surgical consultant may proceed with the surgical operation without further consent being necessary.

Authority to perform emergency surgical operation upon inmates of mental institution.

Determination of urgency and authorization of operation by board.

The description of the medical and surgical condition of the patient and the measures taken to obtain permission for the operation shall be made a part of the medical record of the institution, signed by the medical superintendent or director, the surgical consultant, and the local health officer and copies of this shall be furnished the surgical consultant and the local health officer.

Description of condition of patient and action as to operation made part of medical record.

SEC. 25. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 26. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 776 CHAPTER 538

AN ACT TO AMEND CHAPTER 1046 OF THE SESSION LAWS OF 1945 RELATING TO HASTY MARRIAGES SO AS TO EXEMPT CHOWAN COUNTY FROM SAID ACT.

The General Assembly of North Carolina do enact:

Ch. 1046, Session Laws, 1945, amended; Chowan County exempted from Hasty Marriages Act.

SECTION 1. Section 3 of Chapter 1046 of the Session Laws of 1945 is hereby amended by striking out the word "Chowan" in line three thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 783 CHAPTER 539

AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR FOR YADKIN COUNTY AND TO FIX THE SALARY OF THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Creation of office of Tax Collector, Yadkin County.

Tax Collector appointed; term.

Biennial appointments.

Salary.

Collection of 1946 taxes.

Filling of vacancies.

SECTION 1. Effective the first Monday in May, 1947, there is hereby created the Office of Tax Collector for Yadkin County, and Lon R. Vestal is hereby appointed tax collector for said county, whose term of office shall begin on the first Monday in May, 1947, and expire the first Monday in December, 1948, or when his successor has been appointed and qualified. Thereafter, the tax collector shall be appointed by the board of county commissioners, biannually, to serve for a term of two years. The Tax Collector of Yadkin County shall be paid a salary in the sum of eighteen hundred dollars ($1,800.00) per year, payable in equal monthly installments, out of the general fund of the County of Yadkin. The Tax Collector of Yadkin County shall assume the collection of the taxes levied for the year 1946, and shall take over the tax books from the sheriff for collection of said taxes on the date fixed by the county commissioners after said tax collector has been appointed and qualified. Any vacancy occurring in the Office of Tax Collector of Yadkin County because of death, resignation, or for any reason whatsoever, shall be filled by appointment by the Board of County Commissioners of Yadkin County, and such appointee shall hold office for the unexpired term or until his successor is duly appointed and qualified.

SEC. 2. The tax collector, before entering upon the discharge of his duties shall take and subscribe to an oath as is taken by officers of the county, and to truly and faithfully and impartially discharge the duties of tax collector to the best of his skill and ability, and he shall be required to give bond for the faithful performance of his duty in the collection and accounting for all taxes due Yadkin County, which bond shall be not less than twenty-five thousand dollars ($25,000.00) nor more than fifty thousand dollars ($50,000.000). The type of said bond and the amount thereof is to be fixed and approved by the Board of County Commissioners of Yadkin County, and in case a surety bond is required, the premium paid to secure said bond shall be paid by Yadkin County.

Oath.

Bond.

SEC. 3. Upon the qualification of the said tax collector, all of the powers and duties and liabilities now pertaining to the sheriff of the county as tax collector, regarding the collection, custody and disposition of the taxes, turning over and accounting for the same, distraint, advertisement, sale, and in all other respects pertaining to said matters which are now given or shall hereafter be given, designated or required of sheriffs in the performance of similar duties, shall devolve upon, be given to, and required of said tax collector with respect to taxes levied for 1946 and thereafter. He shall make the reports as now required of the sheriff and shall be subject to the same rules and regulations in respect to the collection of taxes.

Transfer of tax collecting powers, duties of Sheriff to Tax Collector.

SEC. 4. Said Tax Collector of Yadkin County shall be required to visit each township in the county for the purpose of collecting taxes, which visits shall be made in the months of October and November of each year. The Board of County Commissioners of Yadkin County may, in its discretion, appoint one or more deputy tax collectors satisfactory to the tax collector to serve under the Tax Collector of Yadkin County, and said deputy tax collectors shall have the power and authority to collect any and all taxes, fees, penalties, and revenues of said county and to receipt for same and to perform any other act or duty that the Tax Collector of Yadkin County may perform. The Tax Collector of Yadkin County, however, shall be responsible for the compensation of said deputy tax collectors. The Board of County Commissioners of Yadkin County is authorized, in its discretion, to use any of the available funds of the county in such amount as it may think necessary to provide an office, office supplies and equipment for the use of the Tax Collector of Yadkin County.

Visits to each township to collect taxes required.

Appointment of deputies.

Powers and duties.

Compensation.

Provision for office, supplies, and equipment for Tax Collector.

SEC. 5. From and after the induction into office of the said Tax Collector of Yadkin County, the salary of the Sheriff of Yadkin County is hereby fixed at two thousand five hundred

Salary of Sheriff.

dollars ($2,500.00) per annum, and in addition thereto, the sheriff shall receive all fees to which a sheriff is, by law, entitled.

Settlement for taxes by Sheriff.

The sheriff shall, on or before the first Monday in May, 1947, make a full and complete settlement with the board of county commissioners for all taxes in his hands for collection at that time.

Bond required of Sheriff.

After the first Monday in May, 1947, the sheriff shall be required to furnish only the second bond set out in Section 162-8 of the General Statutes, which relates to all of the sheriff's duties other than collection and settlement of taxes.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 784 CHAPTER 540

AN ACT RELATING TO COOPERATION BETWEEN THE STATE DEPARTMENT OF AGRICULTURE, THE UNITED STATES DEPARTMENT OF AGRICULTURE AND COUNTY COMMISSIONERS AND FIXING THE YEARS DURING WHICH FARM CROP CENSUS MUST BE TAKEN.

The General Assembly of North Carolina do enact:

G. S. § 106-25, amended, fixing years for taking crop census.

SECTION 1. Amend Section 106-25 of the General Statutes by striking out the word "annually" in line two and inserting in lieu thereof the following:

during the year 1948 and each five years thereafter.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 786 **CHAPTER 541**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ALEXANDER COUNTY TO ABOLISH THE OFFICES OF COUNTY AUDITOR, COUNTY ACCOUNTANT, AND COUNTY TAX SUPERVISOR AND TO TRANSFER ALL OF THE DUTIES THEREOF, TOGETHER WITH THE DUTY TO COLLECT TAXES, TO THE "COUNTY ACCOUNTANT-TAX COLLECTOR."

The General Assembly of North Carolina do enact:

Authority of Alexander County Commissioners to create Office of County Accountant—Tax-Collector.

SECTION 1. The Board of Commissioners of Alexander County is authorized to create and establish the Office of "County Accountant-Tax Collector" and to abolish the Offices of County Auditor, County Accountant, and County Tax Supervisor, and to transfer and assign all of the duties of said officers, together with the duties and responsibility of collecting all taxes of whatever kind and nature, both current and delinquent, to the Office of "County Accountant-Tax Collector."

Appointment of County Accountant-Tax Collector.

Term.

Salary.

Bond.

SEC. 2. In the event said board of commissioners exercise the authority vested in them by Section 1 hereof, the board shall appoint some qualified person to fill said Office of "County Accountant-Tax Collector," to serve at the will of the board and until his successor is duly appointed and qualified, who shall receive a salary to be fixed by the board of county commissioners. Such officer shall give bond in some surety company authorized to do business in North Carolina, in a sum of not less than ten thousand dollars ($10,000.00) which shall be approved by the board of county commissioners, who may pay the premium thereon.

Duties.

SEC. 3. The duties of the "County Accountant-Tax Collector" appointed under the provisions of this Act shall include the collection of all taxes of whatever nature, penalties, interests, and costs due the county, both current and delinquent, the collection of which is now imposed upon the sheriff, auditor, tax supervisor, or other person, and to perform the duties of tax supervisor, including the preparation of abstracts, the appointment of tax listers and the supervision of the listing of taxes, and any and all other duties imposed on tax supervisors by Sections 105-286 and 105-287 of the General Statutes, and shall take the oath of office prescribed in Section 105-285 of the General Statutes, and the reviewing of tax listings and the discovery and listing of unlisted property. He shall be required to report all collected and uncollected taxes to the county commissioners at their regular meetings on the first Monday of each month. He shall not be allowed to engage in

Full time to official duties.

any other gainful occupation but shall give his full time to the duties imposed upon him as "County Accountant-Tax Collector" of Alexander County.

Effect of appointment of County Accountant-Tax Collector.

SEC. 4. Upon the appointment of the "County Accountant-Tex Collector" for Alexander County and upon qualifying under the provisions of this Act, the Sheriff, Auditor, Tax Supervisor of Alexander County, or any other person having in his hands tax funds or any evidence of uncollected taxes due said county, shall make full and complete settlement for all taxes with which they are then charged and thereupon all uncollected tax accounts owing the said County of Alexander shall be turned over to the said "County Accountant-Tax Collector" appointed pursuant to this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 794 **CHAPTER 542**

AN ACT TO APPOINT LUTHER LEARY SANDERLIN SPECIAL DEPUTY SHERIFF AND TAX COLLECTOR FOR CRAWFORD TOWNSHIP IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 8, Session Laws, 1943, amended; L. L. Sanderlin appointed deputy sheriff-tax collector, Currituck County.

SECTION 1. Chapter 8 of the Session Laws of 1943 is amended by striking out the name "Newton N. Hampton" in each and every place it appears in said Chapter and inserting in lieu thereof "Luther Leary Sanderlin."

Ch. 8, amended further.

SEC. 2. Section 6 of Chapter 8 of the Session Laws of 1943 is amended by striking out the words "forty-six" in the last line and inserting in lieu thereof the following:

Term of office.

"fifty and until his successor is appointed or elected and qualified. Any vacancy occurring during the term of said office

Filling vacancy.

shall be filled by the Board of County Commissioners of Currituck County."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 799 **CHAPTER 543**

AN ACT TO CREATE A TAX COMMISSION FOR RANDOLPH COUNTY, TO DEFINE ITS POWERS AND DUTIES, AND TO DEFINE THE POWERS AND DUTIES OF THE TAX SUPERVISOR OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. (a) There is hereby created the Randolph County Tax Commission consisting of three members, two of whom shall be appointed by the board of county commissioners, and who shall be freeholders of Randolph County; one of such members shall serve for a term of two years and one for a term of three years, and the third member of said commission shall be the tax supervisor and shall be appointed for the term and in the manner hereinafter set forth; *provided* that the terms of the first appointees of said board of county commissioners shall expire two and three years respectively from the third Monday in December, 1947. Thereafter their successors will be appointed for three-year terms. Any vacancy occurring on said commission shall be filled by appointment of the board of county commissioners at its first regular meeting following the occurrance of such vacancy, the appointment to be for the unexpired term. Not more than one member of said commission appointed by the board of county commissioners shall be affiliated with the same political party.

Creation of Randolph County Tax Commission.

Appointment of members; terms.

Filling of vacancies.

Political party affiliation.

(b) All appointments to said tax commission, other than appointments to fill vacancies, shall be made not later than the third Monday of the month preceding the day as of which taxes are listed.

Time of making appointments.

(c) Members of said tax commission shall be subject to removal for good cause shown by the board of county commissioners; *provided*, that no such member shall be removed without thirty days' notice in writing and an opportunity to be heard at a public session of said board of county commissioners.

Removal of members.

Hearing.

(d) Each member of said tax commission shall, as a prerequisite to entering upon the duties of his office, take an oath of office, subscribed and sworn to before the Clerk of Superior Court and filed in the office of said clerk, in substantially the following form:

Oath of office.

Form of oath.

"I, ..., do solemnly swear (or affirm) that I will faithfully discharge the duties imposed upon me by law as a Tax Commissioner for Randolph County; and I will not allow my official acts to be influenced by personal friendship or political consideration. So help me, God.

....." (Signature)

Selection of Chairman.

(e) The tax commission shall annually, at its first meeting, designate from the two members appointed by the board of county commissioners, a chairman, and shall, in the event of vacancy, fill the office of the chairman for the unexpired term.

Compensation of members of tax commission.

(f) Members of the tax commission shall receive such compensation as may be prescribed by the board of county commissioners, and said board of county commissioners shall have authority, in its discretion, to fix a greater compensation for the chairman of the tax commission than for the other members thereof; but the board of county commissioners shall not reduce the compensation of members of the tax commission except at the first meeting of the board of commissioners in January of any year and in no event shall the compensation of different members of the tax commission be fixed at different rates except that the chairman may be provided with additional compensation.

Meetings.

(g) The Tax Commission of Randolph County shall meet in regular session on the first Monday of each month, and at such other time, or times, as a special meeting may be called by the chairman, the tax supervisor, hereinafter provided, or by the board of county commissioners.

Appointment of Tax Supervisor.

SEC. 2. (a) The two members of the tax commission appointed by the board of county commissioners, together with the chairman of the board of county commissioners, shall annually, during the week including the first Monday of the month preceding the day as of which taxes are listed, appoint a Tax Supervisor for Randolph County, who shall be the third member of the tax commission. Any vacancy occurring in said office shall be filled for the unexpired term in the same manner.

Filling vacancy.

Bond of Tax Supervisor.

(b) The appointee before entering upon the duties of tax supervisor, shall be required to give bond for the faithful performance of his duty in the assessment and accounting for all taxes due Randolph County, in some surety company licensed to do business in the State of North Carolina. The said bond and amount thereof shall be fixed and approved by the board of county commissioners and the premium to secure said bond shall be paid by Randolph County.

(c) The appointee before entering upon the duties of tax supervisor, shall take oath of office subscribed and sworn to before the Clerk of Superior Court and filed in the office of said clerk, in substantially the following form: Oath of office.

"I, ..., County Tax Supervisor for Randolph County, North Carolina, for the year ....., do solemnly swear (or affirm) that I will discharge the duties of my office as supervisor according to the law in force governing such office; so help me, God. Form of oath.

....." (Signature)

(d) The tax commission, may in its discretion, require fidelity bonds of subordinate employees of the department of assessment and the department of collection in such amounts and upon such conditions as the commission may determine, and the premium for such bonds shall be paid by Randolph County. Authority to require bonds of subordinate employees.

SEC. 3. (a) The tax commission shall have and exercise all of the powers, duties and responsibilities of boards of county commissioners and of county boards of equalization and review, as set out in Subchapter II of Chapter 105 of the General Statutes of North Carolina, 1943, and other general and special laws relating to taxation in Randolph County, except the power to levy taxes and fix rates of taxation, which power shall be retained and exercised by the Board of County Commissioners of Randolph County. Powers and duties of tax commission. Power to levy taxes and fix rates retained by Co. Commissioners.

(b) The two members of the tax commission, appointed by the board of county commissioners, together with the chairman of the board of county commissioners, shall act as a board of equalization and review at those times and in those instances in which the general law empowers county boards of equalization and review to act, and they shall act in the capacity of the board of county commissioners at those times and in those instances in which the general law empowers boards of county commissioners to act. Board of equalization.

(c) Appeals from the tax commission to the State Board of Assessment shall be governed by the provisions of Subchapter II of Chapter 105 of the General Statutes of North Carolina 1943, and amendments thereto, relating to appeals from county boards of equalization and review and boards of county commissioners. Appeals from tax commission to State Board of Assessment.

SEC. 4. (a) The tax supervisor shall have and exercise all of the powers, duties and responsibilities of county tax supervisors as set out in Subchapter II of Chapter 105 of the General Statutes of North Carolina 1943; shall have general charge and supervision of the department of taxation. Functions of Tax Supervisor.

Secretary of tax commission.

(b) The tax commission shall elect a secretary who shall keep minutes of meetings of the commission; but in joint meetings of the board of county commissioners and the tax commission, the secretary to the board of county commissioners shall serve as secretary and provide a copy of the minutes to the tax commission.

Provision for departments of tax assessment and tax collection.

(c) The function of the Tax Supervisor for Randolph County shall be executed through a department of tax assessment and a department of tax collection, which departments shall function according to the Machinery Act of North Carolina, Chapter 310, of the Public Laws of 1939 (Subchapter II of Chapter 105 of the General Statutes of 1943), as amended and as same may be further amended in the future, and other general or special acts applicable to Randolph County.

Tax collector, appointment; reports.

(d) The tax collector shall be appointed by the tax commission and all reports of his activities as tax collecter shall be made in duplicate, one of which shall be filed with the board of county commissioners and one with the tax commission at such times as shall be determined by said commission. The

Powers and duties.

tax collector is hereby given all of the powers, duties and responsibilities of county tax collector and of sheriffs with respect to the collection of taxes under the provisions of the general law or any special act applicable to Randolph County. The department of tax collection shall be charged with all ssessments made by the department of tax assessment by formal action of the tax commission; and all corrections of assessments, so charged to the department of tax collection, shall require formal release by the tax commission. All corrections made by formal release shall be reported to the county auditor and/or county accountant as the county board of commissioners may require.

Deposit of money collected.

(e) The tax collector and/or a bonded subordinate shall on each business day, deposit to the credit of Randolph County in a banking depository designated by the board of county commissioners any and all money and taxes collected during the preceding business day belonging to Randolph County.

Reports by Tax Commission.

SEC. 5. The tax commission shall make all reports to the county board of commissioners as it may require.

Transfer of tax records to Tax Commission.

SEC. 6. All records of delinquent taxes and current assessment records, together with all office supplies and equipment for assessment purposes, are hereby transferred to the tax commission.

SEC. 7. All tax books being used for collection purposes by the sheriff, together with all office supplies and equipment used for tax collection purposes, shall be transferred to the tax commission on the first Monday in October, 1947, at the ending of the tax accounting year.

Tax books, supplies and equipment used by Sheriff, transferred to Tax Commission.

SEC. 8. The tax commission shall annually, at such time as it may be required by the board of county commissioners, submit a tentative budget covering the cost of its function and the functions placed under its supervision. The final budget for such functions shall be agreed upon at a joint meeting of the board of county commissioners and the tax commission, and, with respect to all matters in controversy, each member of said tax commission present and each county commissioner present shall have one vote. In case of a tie, the chairman of the board of county commissioners shall have an additional vote. When said budget has been fixed, it shall not be changed except by action of a similar joint meeting; and it shall be the duty of the board of county commissioners to provide the funds, by taxation, or otherwise, with which to meet the expenditures provided in said budget.

Submission of tentative budget covering functions of Tax Commission.

Adoption of final budget.

Duty of County Commissioners to provide funds by taxation.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after May 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 817 **CHAPTER 544**

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE KINSTON GRADED SCHOOL DISTRICT TO CONVEY CERTAIN LANDS TO THE CITY OF KINSTON.

Preamble:

WHEREAS, The Board of Trustees of Kinston Graded Schools, a body politic and corporate created under the provisions of Chapter 96 of the Public Laws of North Carolina, Session of 1899, is the owner of a certain parcel of land situate in the City of Kinston, Lenoir County, North Carolina, which is bounded on the north by Parke Avenue, on the east by the right of way of the Atlantic Coast Line Railroad Company, on the south by Grainger Avenue, and on the west by East Street and the lot of W. P. Pittman, it being the same and identical parcel of land described in and conveyed by the deed of date May 10th, 1937, from Mrs. Saddie Grainger Pierce, widow, to

Ownership of certain land by Trustees, Kinston Graded Schools.

Identification and description.

Paul F. Whitaker and others, as Trustees of the Kinston Graded School District, and appearing of record in Book 142, page 44, Office of the Register of Deeds of said County of Lenoir, which said parcel of land has heretofore been used by the Kinston Graded Schools in connection with this athletic and recreational program; and

Use in connection with athletic and recreational program.

Inadequacy of buildings and structures on land.

WHEREAS, the buildings and other structures on said parcel of land are entirely insufficient and inadequate for the reasonable and proper athletic and recreational needs of the Kinston Graded Schools, and particularly the high school department thereof, and the said board of trustees is without funds with which to construct such necessary buildings and other structures and to make the other improvements requisite for reasonable athletic and recreational facilities for students of the Kinston Graded Schools, and it is not deemed expedient at this time or for several years to come to provide such funds by borrowing for that such course would interfere with and hamper the construction of necessary additional school buildings; and

Erection of athletic stadium contemplated.

Enabling Act providing for special election.

WHEREAS, the City of Kinston contemplates the erection of an athletic stadium upon grounds owned by it and constituting a part of its public park system, and has procured the passage at this Session of the General Assembly of an enabling Act permitting it so to do, and to borrow the necessary funds therefor, conditioned upon approval of such borrowing by the qualified electors of the City of Kinston at a special election to be called and held as in said Act provided; and

No land owned by City of Kinston suitable for stadium.

Service to City and schools by location of stadium on lands described above.

WHEREAS, the City of Kinston does not now own, as a part of its system of parks, any suitable location for an athletic stadium in close enough proximity to the grounds of the Kinston Graded Schools, and particularly the Kinston High School, to make it reasonably available for such students, but if such athletic stadium should be located upon the lot of land hereinbefore mentioned and owned by The Board of Trustees of the Kinston Graded Schools, then it would reasonably serve the needs of both the City of Kinston and the Kinston Graded Schools; and

Agreement of City of Kinston as to use of stadium if erected on said lands.

Conditioned on conveyance of lands to City.

WHEREAS, the City of Kinston has agreed, in case the said proposal to borrow funds shall be approved at such special election, to erect said athletic stadium upon the said lot of land so owned by The Board of Trustees of Kinston Graded Schools, with the understanding and agreement that the said athletic stadium and the said parcel of land shall be available for all reasonable use by the Kinston Graded Schools for athletic and recreational purposes, provided said parcel of land is conveyed unto the City of Kinston in fee simple; and

WHEREAS, The Board of Trustees of Kinston Graded Schools is of opinion, and has so declared by appropriate resolution, that it would be in the interest of said board of trustees and of the Kinston Graded Schools to make such conveyance and enter into such arrangement: *Now, therefore,*

Conveyance of land for erection of stadium for best interest of schools.

The General Assembly of North Carolina do enact:

SECTION 1. In case the special election shall be held in the City of Kinston under the provisions of the enabling Act hereinbefore referred to, and the proposal to borrow the necessary funds for the erection of an athletic stadium shall be approved by the qualified electors of said city, and the City of Kinston shall by appropriate resolution of its city council announce its readiness to proceed with the construction of such athletic stadium upon the parcel of land hereinbefore mentioned and owned by the said The Board of Trustees of Kinston Graded Schools, and to enter into an agreement with The Board of Trustees of Kinston Graded Schools that the said athletic stadium when completed and the said parcel of land to be used therewith shall be available without charge of the use of the Kinston Graded Schools, under rules and regulations to be promulgated as set out in Section 2 of this Act, and a written agreement shall be entered into by and between The Board of Trustees of Kinston Graded Schools and the City of Kinston governing such use by the Kinston Graded Schools, then and in that event the said The Board of Trustees of Kinston Graded Schools shall be and is hereby fully authorized and empowered to convey the said parcel of land unto the City of Kinston in fee simple, and without monetary consideration, such parcel of land when so conveyed to become a part of the system of parks of the City of Kinston, to be used for the construction of such athletic stadium and all appropriate athletic and recreational purposes.

Board of Trustees, Kinston Graded Schools, authorized to convey land for athletic stadium.

Conditions.

SEC. 2. That The Board of Trustees of Kinston Graded Schools and the City Council of the City of Kinston shall have full power and authority, by joint resolution passed by a majority in number of the members of each board, to promulgate and enforce rules and regulations governing the time and use of such athletic stadium and grounds by the Kinston Graded Schools.

Authority to make rules and regulations governing athletic stadium and grounds.

SEC. 3. That no part of the enabling Act hereinbefore referred to shall be repealed by this Act unless the same shall be found inconsistent with the provisions hereof, in which case the provisions of this Act shall prevail, and all other laws and clauses of law in conflict herewith are hereby repealed.

Effect of present Act on enabling Act providing for election.

Conflicting laws repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 820 CHAPTER 545

AN ACT TO EXTEND THE AUTHORITY OF THE POLICE OF THE TOWN OF SILER CITY WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Jurisdiction of police officers of Siler City, extended.

SECTION 1. The police officers or law enforcement officers appointed by the Mayor and Commissioners of the Town of Siler City for the purpose of enforcing and carrying out the laws of North Carolina and ordinances of the town of Siler City shall have full power and authority to make arrests anywhere within one mile outside the corporate limits of said town for violations of the laws of North Carolina and ordinances committed within or without the town limits thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 835 CHAPTER 546

AN ACT TO APPOINT TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Appointment of Trustees, Tryon Administrative School Unit.

Terms.

Filling of vacancies

SECTION 1. That K. A. Bowen, R. B. White, W. F. Bryan, George Comer and J. C. Williams be, and they are hereby, appointed Trustees of the Tryon City Administrative School Unit for a term of two years, beginning April 1st, 1947, and continuing until March 31st, 1949, or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees by death, resignation, or otherwise, shall be filled by the action of the county executive committee

of the political party of the member causing such vacancy, until the meeting of the next Regular Session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the county executive committee under the authority herein contained within thirty days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, 1947. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Qualification of trustees.

Trustees subject to State School Administrative Act.

SEC. 2. That the Superintendent of Schools in the Tryon City Administrative School Unit shall be elected in accordance with the provisions as set out in Section 115-353 of the General Statutes.

Election of Superintendent of Schools.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act, are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 859 CHAPTER 547

AN ACT TO REQUIRE THE BOARD OF EDUCATION OF MACON COUNTY TO MEET ON THE FIRST MONDAY IN EACH MONTH IN THE COUNTY COURTHOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Macon County shall meet on the first Monday of each and every month in the year in the county courthouse, and for attendance upon each such meeting shall receive the same per diem as is now allowed for each meeting of said board.

Meetings of Board of Education of Macon County.

Per diem.

SEC. 2. That this Act shall apply only to Macon County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 747 CHAPTER 548

AN ACT TO INCORPORATE THE TOWN OF BROADWAY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Incorporation of Town of Broadway.

Corporate powers.

SECTION 1. The Town of Broadway in Lee County is hereby incorporated under the name of the "Town of Broadway," and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina not inconsistent with the provisions of this Act.

Corporate limits.

SEC. 2. The corporate limits of the Town of Broadway shall be the circumference of a circle having a radius of one-half mile extending in every direction from a point at the center of the Atlantic and Western Railroad Depot at Broadway.

Election of Mayor, Commissioners, and Constable.

SEC. 3. At the time of the holding of the next general municipal election following the ratification of this Act, and biennially thereafter, there shall be elected in the Town of Broadway in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended, the following officers: A mayor, three town commissioners, and a town constable. The mayor and the three town commissioners so elected shall constitute the governing body of the Town of Broadway, and such governing body may appoint such other officers and employ such assistants as the governing body of the town may deem necessary for the better governance of the town.

Appointment of other officers and assistants.

Persons elected at mass meeting made governing body of town until qualification of successors.

SEC. 4. Those persons heretofore elected at a mass meeting of the residents of the community of Broadway in Lee County are hereby declared to constitute the governing body of the Town of Broadway and shall serve as such until the election and qualification of their successors, as provided in Section 3 of this Act.

Official acts validated.

All acts or transactions of an official nature heretofore performed or undertaken in good faith by the persons elected in such mass meeting are hereby validated and confirmed in all respects.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 790 **CHAPTER 549**

AN ACT TO AMEND GENERAL STATUTES 7-70 AND ALL AMENDMENTS THERETO PROVIDING FOR TERMS OF SUPERIOR COURT IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of court to be held in Madison County on the sixteenth Monday after the first Monday in September to continue for one week shall be abolished. Certain term of Superior Court, Madison County, abolished.

SEC. 2. That in addition to the terms of Superior Court now provided for Madison County under General Statutes 7-70 and all amendments thereto, there shall be held in Madison County a term of the Superior Court to which a judge shall be assigned beginning on the fifth Monday before the first Monday in March to continue for one week, for the trial of civil cases. G. S. § 7-70, amended, adding one week civil term, Superior Court, Madison County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed..

SEC. 4. Upon ratification of this Act, the Secretary of State shall immediately certify a copy of the same to the Clerk of Superior Court of Madison County. Certification of copy of Act to C.S.C., Madison County.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 388 CHAPTER 550

AN ACT TO PROHIBIT THE OPERATION OF POOL AND BILLIARD ROOMS AND DANCE HALLS ON SUNDAY IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Operation of billiard rooms or dance halls on Sunday, in Harnett County, prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate, or to cause to be operated on any premies owned, leased, or controlled by any such person, firm, or corporation, any pool or billiard room or dance hall in Harnett County between the hours of midnight of each Saturday and midnight of the following Sunday night.

Punishment for violation of Act.

SEC. 2. Any person, firm, or corporation violating the provision of Section 1 of this Act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 349 CHAPTER 551

AN ACT TO PROHIBIT THE OPERATION OF POOL ROOMS IN FORSYTH COUNTY ON SUNDAY.

The General Assembly of North Carolina do enact:

Operation of pool rooms or billiard parlors during certain Sunday hours, Forsyth County, prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate or allow to be operated on his or its premises any pool hall or billiard parlor in Forsyth County, between the hours of nine to twelve A. M. and between the hours of six to nine P. M., or at any other time on Sunday in such a manner as to create a nuisance or disturb the peace.

Punishment for violation of Act.

SEC. 2. Any person, firm or corporation violating the provisions of this Act shall, upon conviction, be punished as follows:

First offense.

(a) For a first offense, a fine of not more than ten dollars ($10.00) and the costs.

(b) For a second offense, a fine of not more than ten dollars ($10.00) and the costs, and the court may, in its diecretion, revoke the right of such convicted person, firm or corporation to operate any pool hall or billiard parlor for a period not to exceed one year, or, in its discretion, may fine such offender and revoke his or its license to engage in such activity. Second offense.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 416 CHAPTER 552

AN ACT TO AMEND CHAPTER 291 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE CLASSIFICATION OF COTTON FOR TAXATION IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 4½ of Chapter 291 of the Public-Local Laws of 1939, is hereby rewritten to read as follows: Sec. 4½, Ch. 291, Public-Local Laws, 1939, rewritten.

SECTION 4½. That all cotton stored in bonded warehouses in Gaston County, and held for resale, at any time within three (3) months before the annual tax listing date, is hereby defined to be "cotton in transit," and the Board of Commissioners of Gaston County be and they are hereby authorized and empowered in their discretion, to declare said cotton to be exempt from ad valorem taxation. Definition of "cotton in transit," for tax exemption purposes, Gaston County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 537 CHAPTER 553

AN ACT TO REPEAL CHAPTER 373 OF THE SESSION LAWS OF 1943, RELATING TO CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 373, Session Laws, 1943, regulating juke-boxes and public dances, Caldwell County, repealed.

SECTION 1. Chapter 373 of the Session Laws of 1943, relating to Caldwell County, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 687 CHAPTER 554

AN ACT TO PROVIDE FOR THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY UNION COUNTY.

Preamble:

Payment of all obligations for which 1943 and prior taxes levied, Union County.

WHEREAS, the County Commissioners of Union County have provided for and paid all bills and obligations for which all taxes for the year 1943 and all prior years were levied; and

No outstanding bills against said tax funds.

WHEREAS, there are no outstanding bills against any fund for which these taxes were levied; and

Best interest of County to allocate delinquent taxes to general fund.

WHEREAS, it is deemed for the best interest of the county that collections of delinquent taxes be allocated to the general fund, as hereinafter set out: *Now, therefore,*

The General Assembly of North Carolina do enact:

Union County Commissioners authorized to allocate certain delinquent tax collections to general fund.

SECTION 1. That the County Commissioners of Union County are hereby authorized and empowered to allocate all, or any part, of the taxes collected that were levied for the year 1943 and all prior years, to the general county fund. The cost of collection of these taxes shall be paid out of the general county fund.

Application of Act.

SEC. 2. That this Act shall apply only to Union County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed, in so far as they apply to the taxes mentioned in this Act.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 697 **CHAPTER 555**

AN ACT TO AMEND HOUSE BILL NO. 322, ENTITLED "AN ACT TO AMEND CHAPTER 149 OF THE PRIVATE LAWS OF 1929, TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF FAIRMONT, NORTH CAROLINA," RATIFIED ON THE 28TH DAY OF FEBRUARY, 1947.

The General Assembly of North Carolina do enact:

Ch. 198, Session Laws, 1947, amended.

SECTION 1. House Bill No. 322, entitled "An Act to amend Chapter 149 of the Private Laws of 1929, to enlarge the corporate limits of the Town of Fairmont, North Carolina," is hereby amended by adding at the end of Section 1 a new paragraph as follows:

Description of Fourth Area of corporate limits, Town of Fairmont.

Fourth Area: Beginning at the point where the present southern corporate limits of the Town of Fairmont crosses the western edge of the Fairmont-Lake View paved highway, and runs thence as the edge of said highway, a southerly direction, to a stake in the western edge of said highway and in the southern edge of 9th Street of the Fisher Park Development; thence continuing with the western edge of said highway, a southerly direction, 685 feet to the dividing line between lands of H. G. Collins and B. E. Littlefield; thence as said dividing line South 83 West approximately 514 feet to Littlefield's southwestern corner; thence as Littlefield's western line, due North 398 feet to a stake, Littlefield's northwestern corner; thence a straight line, a northerly direction, to the point where Park Avenue of the Fisher Park Development crosses the present southern corporate limits of the Town of Fairmont; thence as said present corporate limits, an easterly direction to the beginning.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 704 CHAPTER 556

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 7-70, amended as to Superior Court terms, Jackson County.

SECTION 1. That that portion of Section 7-70 of the General Statutes of North Carolina fixing the terms of Superior Court in Jackson County in the Twentieth District is hereby rewritten to read as follows:

Terms enumerated.

Jackson—Second Monday before the first Monday in March; eleventh Monday after the first Monday in March, each term to continue for two weeks and both to be for the trial of criminal and civil cases; fourteenth Monday after the first Monday in March, for the trial of civil cases only, and for this term of court the Governor shall assign a judge to hold same from among the regular, special or emergency judges; fifth Monday after the first Monday in September to continue for two weeks.

Power of County Commissions to abrogate certain term.

Drawing of jurors for said term.

The county commissioners, may, in their judgment abrogate the term herein provided to be held on the fourteenth Monday after the first Monday in March, the jurors for this term to be drawn at the same time as those for the May term, service to be withheld pending the decision of the county commissioners.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 705 CHAPTER 557

AN ACT TO AUTHORIZE THE DEPUTY SHERIFF OR OFFICER ON DUTY AS DESK OFFICER OR DESK SERGEANT IN KANNAPOLIS TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

Power of deputy sheriff, Cabarrus County, assigned to Kannapolis as desk officer, to issue warrants.

SECTION 1. That any deputy sheriff assigned for duty in the unincorporated community of Kannapolis in Cabarrus County shall have all the power and authority, while acting and on duty as desk officer or desk sergeant in the peace officers' headquarters in Kannapolis, now conferred upon justices of the peace, to issue warrants for the arrest of all persons charged

with the commission of offenses, which warrants, however, shall be made returnable before some justice of the peace of the township or before the recorder or judge of any inferior court of Cabarrus County. Such warrant shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace; and such warrant, so issued, shall be served by some peace officer or deputy sheriff other than the officer issuing the warrant.

Return of warrants.

Issuance of warrant; affidavit.

Service of warrant.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 615 CHAPTER 558

AN ACT TO FIX THE FEES IN CRIMINAL CASES HEARD BEFORE THE MAYOR OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That in all criminal cases heard before the Mayor of the City of Hendersonville, whether on preliminary hearing or in cases of final jurisdiction, the cost as to each defendant shall be twelve dollars and seventy cents ($12.70), exclusive of the State tax of two dollars ($2.00).

Costs in criminal cases before Mayor, Hendersonville.

SEC. 2. That the Clerk of the Superior Court, in the taxing of cost in cases where the defendant has been bound to either the Recorder's Court of Henderson County or to the Superior Court of said county, by the Mayor of the City of Hendersonville, and also to cases where the defendant has appealed to either or both of said courts, shall in each bill of cost tax twelve dollars and seventy cents ($12.70) to cover the cost provided for in Section 1 of this Act in addition to all of the cost taxable against the defendant, and said clerk shall remit said cost to the City of Hendersonville as soon after its receipt as is reasonable and practicable.

Clerk of Superior Court directed to tax costs, certain cases, to cover Mayor's Court costs.

Costs remitted to City of Hendersonville.

SEC. 3. That this Act shall apply only to cases in which the defendant is finally convicted and pays the cost taxed against him; and shall not be construed to render the County of Henderson liable to the City of Hendersonville for any cost for which it was not liable prior to its enactment.

Clarification of intent of Act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 837 CHAPTER 559

AN ACT TO PROVIDE THAT TAXES WHICH ARE FIVE YEARS OR MORE DELINQUENT SHALL, WHEN COLLECTED, ACCRUE TO THE BENEFIT OF AND BE DEPOSITED IN THE GENERAL FUND OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Funds collected from certain delinquent taxes, payable into general fund, Franklin County.

SECTION 1. That the collections hereafter made of all ad valorem taxes levied by the Board of County Commissioners of Franklin County, which at the beginning of any fiscal year were due and payable five years or more prior to such beginning of a fiscal year, shall accrue to the benefit of, and shall be deposited in, the general fund of said county.

Application of Act.

SEC. 2. That this Act shall apply only in Franklin County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 644 CHAPTER 560

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO ORDER A REVALUATION OF TAXABLE PROPERTY IN 1948.

The General Assembly of North Carolina do enact:

Randolph County Commissioners authorized to order reassessment and revaluation of taxable property.

SECTION 1. The Board of County Commissioners of Randolph County is authorized and empowered, in its discretion, to order a reassessment and revaluation of all taxable property in Randolph County as of January 1st, 1948, for the purpose

of taxation, notwithstanding the board of county commissioners may have omitted to take formal action to defer or postpone the regular quadrennial reassessment in 1945 or any subsequent year. Such revaluation, if ordered, shall be in accordance with Subchapter II, Chapter 105, of the General Statutes, and other general laws pertaining thereto.

Application of general laws.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 645 **CHAPTER 561**

AN ACT TO FIX THE SALARIES OF CERTAIN COUNTY OFFICERS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, the Register of Deeds of Randolph County shall receive as compensation the sum of three thousand six hundred dollars ($3,600.00) per annum, payable monthly, and the deputy register of deeds the sum of two thousand one hundred sixty dollars ($2,160.00) per annum, payable monthly. These salaries shall be in full compensation of the said register of deeds and the deputy register of deeds and shall be in lieu of all fees whatsoever.

Compensation of Register of Deeds, Randolph County.

Salary of deputy.

SEC. 2. That from and after the ratification of this Act, the Clerk of the Superior Court of Randolph County shall receive as compensation the sum of three thousand six hundred dollars ($3,600.00) per annum, payable monthly, and the Assistant Clerk of Superior Court the sum of two thousand one hundred sixty dollars ($2,160.00) per annum, payable monthly. These salaries shall be in full compensation of the said Clerk of the Superior Court and the Assistant Clerk of Superior Court and shall be in lieu of all fees whatsoever; *provided, however*, that said Clerk may receive additional compensation for serving as judge of the juvenile court.

Compensation of Clerk of Superior Court.

Salary of Assistant Clerk.

Additional pay to Clerk as juvenile court judge.

SEC. 3. That from and after the ratification of this Act, the Sheriff of Randolph County shall receive as compensation the sum of three thousand nine hundred dollars ($3,900.00) per annum, payable monthly; the office deputy shall receive the

Compensation of Sheriff.

Salary of office deputy.

Salary of law enforcement deputies.

Salary of jailer.

sum of two thousand one hundred sixty dollars ($2,160.00) per annum, payable monthly; and two law enforcement deputies shall receive two thousand two hundred eighty dollars ($2,280.00) per annum, payable monthly, in addition to fees. That in addition to all other fees or compensation now provided by law, the jailer of Randolph County shall receive a salary of twelve hundred dollars ($1,200.00) per year, payable in twelve equal monthly installments out of the general fund of Randolph County.

Compensation of other assistants and deputies of Register of Deeds, C.S.C. and Sheriff.

SEC. 4. That other assistants and deputies of the register of deeds, the Clerk of Superior Court and the sheriff, shall receive such compensation as may be fixed by the board of county commissioners.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 847 CHAPTER 562

AN ACT TO AMEND CHAPTER 175 OF THE SESSION LAWS OF 1945, THE SAME BEING THE CHARTER OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

Ch. 175, Session Laws, 1945, amended, as to elections, Town of Leaksville.

SECTION 1. Section 13 of Chapter 175 of the Session Laws of 1945 is hereby amended by striking out the period at the end of said Section, inserting a comma in lieu thereof and adding thereto the following:

Establishment of polling places; appointment of election officials.

and for the establishment of a polling place or places and for the appointment of judges and registrars.

Ch. 175, further amended.

SEC. 2. Section 14 of Chapter 175 of the Session Laws of 1945 is hereby amended by adding at the end of said Section the following:

Qualifications of sponsors for candidates for town commissioner.

The sponsors for each candidate for town commissioner shall be qualified electors of the area in which said candidate resides: *Provided,* that in the election to be held May 6th, 1947, for the election of a mayor and town commissioners it shall not be necessary for the sponsors of candidates to be qualified electors nor shall it be necessary for the candidate to be a quali-

fied elector if said sponsors and candidate possess all of the qualifications of qualified electors except the fact of actually being registered as an elector.

SEC. 3. Section 16 of Chapter 175 of the Session Laws of 1945 is hereby rewritten to read as follows: Sec. 16, Ch. 175, Session Laws, 1945, rewritten.

SEC. 16. Election of Mayor and Board of Commissioners. The mayor shall be elected by the voters at large. Two commissioners shall be elected from the area incorporated into the city limits by virtue of Chapter 202 of the Session Laws of 1945, by the qualified electors of said area and three commissioners shall be elected from the area composed of the old Leaksville corporate limits as established prior to the enactment of Chapter 202 of the Session Laws 1945, by the qualified electors of that area. All candidates in each instance, up to the number to be elected, who receive the highest number of votes shall be declared elected. Election of Mayor and Commissioners, Leaksville. Determination of results.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 795 CHAPTER 563

AN ACT RELATING TO THE DEPOSIT OF PUBLIC FUNDS BY THE OFFICIALS AND EMPLOYEES OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every public officer and employee of Currituck County who receives any public funds or public money from any source whatsoever, whether by gift, grant, or otherwise, shall deposit the same with the county depository in the name of the county and of the fund to which it is applied, and shall report the same to the county accountant by means of deposit ticket signed by the depository. Any person violating the provision of this Section, or aiding or abetting in such violation shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court. Public officers and employees of Currituck County required to deposit receipts, public funds, in county depository. Reports. Punishment for violations.

Conflicting laws repealed.

State-wide Acts, same subject, not repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provision of this Act are hereby repealed, except that it shall not repeal any State-wide Act dealing with the same subject.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 556 **CHAPTER 564**

AN ACT TO AMEND CHAPTER 11, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1917, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON."

The General Assembly of North Carolina do enact:

Ch. 11, Private Laws, 1917, amended.

SECTION 1. That Chapter 11, Private Laws of North Carolina, Session of 1917, be amended by striking out Sections 2 and 3 of said Chapter and substituting in lieu thereof the following:

Division of City of Lumberton into election wards.

SEC. 2. The City of Lumberton shall be divided into four election wards, as follows:

Wards defined.

All persons residing West of Pine Street and South of Seventh Street, shall be residents of the First Ward; all persons residing East of Pine Street and South of Seventh Street shall be residents of the Second Ward; all persons residing East of Elm Street and North of Seventh Street shall be residents of the Third Ward; and all persons residing West of Elm Street and North of Seventh Street shall be residents of the Fourth Ward. The four commissioners shall be elected, one from each ward, by the qualified voters of the City of Lumberton. Each commissioner must reside, at the time of his election, within the boundaries of the ward from which he is elected. The duties

Special duties of commissioners.

of each commissioner shall be, besides the others imposed upon him by the charter of the City of Lumberton, to look especially to the needs and demands of the residents of his ward, and to report to the board of commissioners from his ward.

Voting by wards, regular primary.

SEC. 3. At the regular primary, the voters of the City of Lumberton shall vote at the polling place of their respective wards. No person shall be elected commissioner unless such person receive a majority of the total votes cast for such position in the city at large. As new voters register they shall

Election determined by votes cast in city at large.

be registered upon the list of the ward of which they are residents. In case of a vacancy in the office of the commissioner, the remaining members of the board of commissioners shall fill said vacancy by selecting an elector from the unrepresented ward.

Registration by wards.

Filling vacancies in office of commissioner.

SEC. 2. That all laws, or clauses of laws, in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the thirtieth day of June, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 692 CHAPTER 565

AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES TO CONFER ADDITIONAL POWERS ON THE SANITARY DISTRICTS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 130-39 of the General Statutes is hereby amended by adding at the end of said Section a new Subsection to be numbered Subsection 17, and to read as follows:

G. S. § 130-39, amended.

17. All of the powers conferred upon sanitary districts by Subsections 12, 13, 14, 15 and 16 of this Section are hereby made applicable to each sanitary district in Rockingham County regardless of whether or not said aanitary district is adjoined or contiguous to a city having a population of fifty thousand.

Additional powers conferred on sanitary districts, Rockingham County.

SEC. 2. This Act shall apply only to Rockingham County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 618 CHAPTER 566

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF MARS HILL TO EMPLOY PERSONS AS POLICEMEN AND OTHER CITY EMPLOYEES WHO ARE NOT QUALIFIED VOTERS THEREOF.

The General Assembly of North Carolina do enact:

Employment of non-residents as policemen and other employees, Town of Mars Hill, authorized.

SECTION 1. The governing body of the Town of Mars Hill is hereby fully authorized and empowered to employ as policemen and other city employees persons who reside outside of the corporate limits of the municipality and are not qualified voters thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws, and in particular, Section 160-25 of the General Statutes, to the extent that such laws are in conflict with the provisions of this Act, are repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 625 CHAPTER 567

AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF EDUCATION OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Carteret County Commissioners authorized to fix compensation of members of Board of Education.

SECTION 1. The Board of County Commissioners of Carteret County is authorized and empowered to fix the compensation of each member of the county board of education at not more than ten dollars ($10.00) per day for each session of the board attended and held for the transaction of county business; and in addition thereto, each member of the board shall be entitled to mileage not exceeding five cents (5c) per mile for each trip made in attending the meetings of the board and for other trips which the board may require any one or more members to make in performance of the functions of the board.

Mileage pay.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 714 **CHAPTER 568**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LEWISTON, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5, Chapter 91, Private Laws of North Carolina, Session of 1881, be and the same is hereby amended by striking out the words "twenty-five cents" and inserting in lieu thereof the words "one dollar."

Ch. 91, Private Laws, 1881, Town of Lewiston charter, amended, as to property tax limit.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 593 **CHAPTER 569**

AN ACT TO PROHIBIT THE OPERATION OF POOL ROOMS IN ROBESON COUNTY ON SUNDAY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to operate a pool hall or billiard parlor in Robeson County on Sunday, if such pool hall or billiard parlor is operated for profit.

Operation of pool rooms, billiard parlors, on Sunday, Robeson County, prohibited.

SEC. 2. It shall be unlawful for any person to play pool or billiards in Robeson County on Sunday on any pool table or billiard table in a public place when a fee is charged, or any other charge is made, for playing pool or billiards on such table or tables.

Playing pool or billiards on Sunday in public place, when fee charged, prohibited.

SEC. 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Punishment for violations of Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective April 1st, 1947.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 766 CHAPTER 570

AN ACT TO AMEND CHAPTER 67, SECTION 12 OF THE PRIVATE LAWS OF 1933 PERTAINING TO THE CLERK OF THE POLICE COURT OF THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

Ch. 67, Private Laws, 1933, amended.

SECTION 1. That the last sentence in Section 12, Chapter 67 of the Private Laws of 1933 be stricken out and the following inserted in lieu thereof.

Compensation of clerk of police court, Town of Canton.

The said clerk shall receive such compensation for his services as the Board of Aldermen of the Town of Canton may from time to time determine, which compensation shall be payable monthly.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after May 1st, 1947.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

H. B. 809 CHAPTER 571

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO EMPLOY DEPUTIES, ASSISTANTS, AND CLERKS IN THE VARIOUS COUNTY OFFICES.

The General Assembly of North Carolina do enact:

Rutherford County Commissioners authorized to employ deputies, assistants, clerks, in various county offices.

SECTION 1. The Board of Commissioners of the County of Rutherford is hereby authorized and empowered, in their discretion, to employ as many deputies, assistants and clerks as they shall decide are needed in the Offices of the Clerk of Superior Court, clerk of the recorder court, register of deeds,

tax collectors' office, veteran officer's office, and in the office of the board of county commissioners. That the salaries for the same shall be fixed by the board of county commissioners, and shall be paid out of such funds as provided by law. Salaries.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1947.

S. B. 46 **CHAPTER 572**

AN ACT TO REWRITE CHAPTER 108, SECTIONS 80 THROUGH 90 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REGULATION OF ORGANIZATIONS AND INDIVIDUALS SOLICITING PUBLIC ALMS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 108 Sections 80 through 90 of the General Statutes of North Carolina shall be rewritten so that the said Sections of this Chapter henceforth shall read as follows: G. S. §§ 108-80—108-90, inclusive, rewritten.

108-80. Except as hereinafter provided in G. S. 108-84, no person, organization, corporation, institution, association, agency or co-partnership except in accordance with provisions of this Article shall solicit the public whether by mail, or through agents or representatives or other means for donations, gifts or subscriptions of money and/or of gifts of goods, wares, merchandise or other things of value or to sell or offer for sale or distribute to the public anything or object whatever to raise money or to sell memberships, periodicals, books or advertising space or to secure or attempt to secure money or donations or other property by promoting any public bazaar, sale, entertainment or exhibition or by any similar means for any charitable, benevolent, health, educational, religious, patriotic or other similar public cause or for the purpose of relieving suffering of animals unless the solicitation is authorized by and the money or other goods or property is to be given to an organization, corporation, institution, association, agency or co-partnership holding a valid license for such purpose from the State Board of Public Welfare, issued as herein provided. Regulation of organizations, institutions, etc., soliciting public aid for charitable purposes. License required.

Application for license to solicit public alms.

108-81. Any person, organization, corporation, institution, association, agency, or co-partnership wishing to secure a license from the State Board of Public Welfare for the purpose of soliciting the public for any of the aforenamed causes shall file a written application with the State Board of Public Welfare on a form furnished by the said Board setting forth proof of the worthiness of the cause, chartered responsibility, the existence of an adequate and responsible governing board to administer receipts and disbursements of funds, goods, or other property sought, the need of public solicitation, proposed use of funds sought, and a verified report of the operation of such organization, corporation, institution, association, agency or co-partnership for a fiscal period determined by the said State Board, said verified report to show reserve funds and endowment funds as well as receipts and disbursements.

Contents of application.

Verified report of operations, reserve funds, receipts, and disbursements.

Issuance of license by State Board of Public Welfare.

Basis for issuance.

108-82. If the State Board of Public Welfare after full investigation and careful study of the purpose and functioning of an organization, corporation, institution, association, agency, or co-partnership filing an application for a license to solicit deems such organization, corporation, institution, association, agency or co-partnership a proper one and not inimical to the public welfare and its proposed solicitations to be truly for the purpose set forth in its application and provided for in this Article, it shall issue to such organization, corporation, institution, association, agency or co-partnership a license to solicit for its purposes and program for a period not to exceed one year, unless revoked for cause.

Restriction as to issuance of license.

The State Board of Public Welfare shall not issue a license to solicit to any such organization, corporation, institution, association, agency or co-partnership which pays or agrees to pay to any individual, corporation, co-partnership or association an unreasonable or exorbitant amount of the funds collected as compensation.

Opportunity of hearing before Board, upon refusal to issue license.

Hearings open to public.

Decisions mailed to interested parties.

In the event the said Board refuses to issue said license, the organization, corporation, institution, association, agency or co-partnership shall be entitled to a hearing before said Board *provided* written request therefor is made within fifteen days after notice of refusal is delivered or mailed to the applicant. All such hearings shall be held in the offices of said Board and shall be open to the public. Decisions of said Board shall be mailed to the interested parties within ten days after the hearing.

Advice of various State agencies available to Welfare Board.

The State Board of Public Welfare before granting or refusing a license as herein provided shall call upon the State Commission for the Blind, the Division of Vocational Rehabilitation and other Divisions of the State Department of Public

Instruction, the Bureau of Labor for the Deaf, and the State Board of Health for advice in any situation or cause in which any of the several State agencies named has an interest or responsibility.

Solicitations or collections, without showing written authority, on request, prohibited.

108-83. No person shall solicit or collect any contribution in money or other property for any of the purposes set forth in this Article without a written authorization, pledge card, receipt form, or other evidence of authority to solicit for a duly licensed organization, corporation, institution, association, agency, or co-partnership for which the donation or contribution is made and said evidence of authority must be shown to any person on request. Said evidence of authority must be provided by the organization, corporation, institution, association, agency or co-partnership for which the donation or contribution is solicited or by the agency through which the donation or contribution is collected and distributed.

Evidence of authority provided by organization through which donation is collected.

Provisions of Article not applicable to certain organizations.

108-84. The provisions of this Article shall not apply to any solicitation or appeal made by any church, or religious organization, school or college, fraternal or patriotic organization, or civic club located in this State when such appeal or solicitation is confined to its membership nor shall the provisions of this Article apply to any locally indigenous organization, institution, association or agency having its own office, managing board, committee or trustees or chief executive offices located in or residing in a city or county from publicly soliciting donations or contributions within a city and the county or counties in which said city is located or within the county in which such an organization, institution, association or agency is located and operates; *provided* that nothing in this Article shall apply to any solicitation or appeal by any church for the construction, upkeep, or maintenance of the church and its established organization or for the support of its clergy.

Not applicable to solicitations by churches.

Regulation of begging and solicitation of alms by individuals.

License required.

108-85. It shall be unlawful for an individual to engage in the business of soliciting alms or begging charity for his or her own livelihood or for the livelihood of another individual upon the streets or highways of this State or through door to door solicitation without first securing a license to solicit for this purpose from the State Board of Public Welfare.

Application for license.

Any individual desiring to engage in the business of soliciting alms or begging charity for his or her own livelihood or for the livelihood of another individual as set forth in the first paragraph of this Section shall file a written application for a license on a form or forms furnished by the said Board, setting forth his or her own true name and address, his or her correct address or addresses for the past five years, the

Contents of application.

purpose for which he or she desires to solicit alms, the reason why public solicitation is considered a necessary means to obtain a livelihood or relief from suffering rather than the pursuit of a legitimate trade or the acceptance of benefits provided through the social security measures and funds administered by the Federal, State and county governments and any other information which the said Board may deem necessary to carry out the provisions of this Article. A copy of the license must be carried by the solicitor while soliciting and must be shown upon request.

Solicitor required to carry license; exhibit on request.

Offering merchandise for sale, no exemption.

The carrying and offering for sale of merchandise by the individual soliciting alms or begging charity shall not exempt the individual so soliciting from the provisions of this Article.

Advice of various State agencies available to Welfare Board, as to issuance of license.

The State Board of Public Welfare shall call upon the several State agencies named in 108-82 of this Article for advice in issuing a license to an individual in accordance with the provisions of this Article.

Punishment for violations of Act.

108-86. Any person who, or any organzation, corporation, institution, association, agency or co-partnership which violates any of the provisions of this Article or solicits donations and contributions from the public without first applying for and obtaning a license as herein provided shall be guilty of a misdemeanor, and upon conviction shall be punished in case of an organization, corporation, institution, association, agency or co-partnership by a fine of not more than one thousand dollars ($1,000.00); in the case of an individual the punishment shall be that provided for a misdemeanor.

Punishment for misapplication of funds collected.

Any person who, or organization, corporation, institution, association, agency or co-partnership which, after having conducted a solicitation campaign and obtained funds from such solicitation shall wilfully convert or misapply any of said funds from the purposes for which solicited as set out in the application for license to solicit shall be guilty of a felony and shall be punished in the discretion of the court.

Effective date.

SEC. 2. This Act shall be in full force from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 91 **CHAPTER 573**

AN ACT TO PROHIBIT THE SOLICITATION OF LITIGATION, CLAIMS OR LEGAL BUSINESS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 84 of the General Statutes of North Carolina be, and the same is hereby amended, by adding thereto a new Section to be entitled 84-38 and to read as follows:

G. S., Ch. 84, amended.

Solicitation of legal business, retainer, or contract for legal services, prohibited.

It shall be unlawful for any person, firm, corporation, or association or his or their agent, agents, or employees, acting on his or their behalf, to solicit or procure through solicitation either directly or indirectly, any legal business, whether to be performed in this State or elsewhere, or to solicit or procure through solicitation either directly or indirectly, a retainer or contract, written or oral, or any agreement authorizing an attorney or any other person, firm, corporation, or association to perform or render any legal services, whether to be performed in this State or elsewhere.

Division of fees as inducement for placing claims or demands with attorneys for handling, prohibited.

It shall be unlawful for any person, firm, corporation, or association to divide with or receive from any attorney at law, or group of attorneys at law, whether practicing in this State or elsewhere, either before or after action is brought, any portion of any fee or compensation charged or received by such attorney at law, or any valuable consideration or reward, as an inducement for placing or in consideration of being placed in the hands of such attorney or attorneys at law, or in the hands of another person, firm, corporation or association, a claim or demand of any kind, for the purpose of collecting such claim or instituting an action thereon or of representing claimant in the pursuit of any civil remedy for the recovery thereof, or for the settlement or compromise thereof, whether such compromise, settlement, recovery, suit, claim, collection or demand shall be in this State or elsewhere. This paragraph shall not apply to agreements between attorneys to divide compensation received in cases or matters legitimately, lawfully and properly received by them.

Paragraph not applicable to division of fees in cases lawfully received.

Punishment for violations.

Any person, firm, corporation or association of persons violating the provisions of this Section shall be guilty of a misdemeanor and punished by fine or imprisonment or both in the discretion of the court.

N. C. State Bar Council authorized to investigate and prosecute actions.

The Council of the North Carolina State Bar is hereby authorized and empowered to investigate and bring action against persons charged with violations of this Section and the provisions as set forth in Section 84-37 shall apply. Nothing

Authority of Solicitors not superseded.

Inherent court powers unabridged.

contained herein shall be construed to supersede the authority of solicitors to seek injunctive relief or institute criminal proceedings in the same manner as provided for in Section 84-7. Nothing herein shall be construed as abridging the inherent powers of the courts to deal with such matters.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Declaration of public interest.

SEC. 3. The public interest requires that this Act become and it shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 123 **CHAPTER 574**

AN ACT TO AMEND SUBDIVISION (D) OF SECTION 97-100 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TIME OF FILING REPORTS AND PAYING TAXES BY INSURERS WRITING POLICIES COVERING RISKS UNDER THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

G. S. § 97-100, amended, as to time of filing reports, paying taxes, by insurers under Workmen's Compensation Act.

SECTION 1. That subdivision (d) of Section 97-100 of the General Statutes of North Carolina be, and the same hereby is amended by striking out the word "semi" and the hyphen in line three; and said Subsection is further amended by striking out in line eleven the words "within thirty days" and inserting in lieu thereof the following:

on or before the first day of April.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall become effective as of January 1st, 1947.

In the General Assembly read tnree times and ratified, this the 1st day of April, 1947.

S. B. 135 **CHAPTER 575**

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PRIOR SERVICE OF THE VETERANS OF WORLD WAR I.

The General Assembly of North Carolina do enact:

G. S. § 135-4, amended, as to creditable service, Teachers and State Employees Retirement System.

SECTION 1. Amend Section 135-4 of the General Statutes of North Carolina by adding thereto a new Subsection which shall be designated as Subsection (7) and shall read as follows:

Prior service credit to returned war veterans.

(7) Teachers and other State employees who served in the Armed Forces of the United States and who, after being honorably discharged, returned to the service of the State within a period of two years from date of discharge shall be credited with prior service for such period of service in the Armed Forces of the United States; and the salaries or compensations paid to such employees immediately before entering the armed forces shall be deemed to be the actual compensation rates of such teachers and State employees during said period of service.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 153 **CHAPTER 576**

AN ACT TO AUTHORIZE CHURCHES TO REMOVE GRAVES UNDER THEIR CUSTODY FROM PRIVATE BURIAL PLOTS TO REGULAR CEMETERIES OR REGULAR BURYING GROUNDS WITH THE CONSENT OF THE NEXT OF KIN OF THE DECEASED.

The General Assembly of North Carolina do enact:

Churches empowered to remove graves under custody, to regular cemetery; remains reinterred.

SECTION 1. Where any church has assumed the care and custody of any grave or graves not located in a regular cemetery or burying ground, said church is authorized to remove said grave or graves and re-inter the remains in some cemetery or other suitable place in the same county to be selected by the next of kin of the deceased resident in that county or the

welfare officer of the county or the Clerk of the Superior Court of the county in the order named. Due care shall be taken to do said work of removal in a proper, decent and seemly manner, and if necessary, to furnish suitable coffins or boxes for re-interring said remains and due care shall be taken to remove, protect and replace all tombstones or other markers so as to leave the grave in as good condition as it was before removal. The work of removal shall be done under the supervision of the superintendent of welfare of the county, if one, and if not, under the supervision of the Clerk of the Superior Court of the county. All the expenses of removal are to be borne by the church causing the grave to be removed. The church shall give the grave or graves at the location to which they are removed, the same care, custody and attention which it was obligated to give said grave or graves at the original location.

Manner of removal.

Markers replaced.

Supervision of removal.

Expenses paid by church.

Continued custody and care of graves.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 165 CHAPTER 577

AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES BY INSERTING THEREIN A NEW ARTICLE TO PROVIDE FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO BE COMMISSIONED SPECIAL PEACE OFFICERS.

The General Assembly of North Carolina do enact:

G. S., Ch. 113, amended.

SECTION 1. Chapter 113 of the General Statutes is hereby amended by inserting a new Article therein to read as follows:

ART. 1A. Special Peace Officers.

Governor empowered to commission special peace officers for Dept. of Conservation and Development.

Purpose.

Sec. 113-28.1. Designated employees commissioned special peace officers by Governor. Upon application by the Director of the Department of Conservation and Development, the Governor is hereby authorized and empowered to commission as special peace officers such of the employees of the Department of Conservation and Development as the Director may designate for the purpose of enforcing the laws, rules and regulations

enacted or adopted for the protection, preservation and government of State parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Conservation and Development. Such employees shall receive no additional compensation for performing the duties of special peace officers under this Article.

No additional compensation.

Sec. 113-28.2. Powers of arrest. Any employee of the Department of Conservation and Development commissioned as a special peace officer shall have the right to arrest with warrant any person violating any law, rule or regulation on or relating to the State parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Conservation and Development, and shall have power to pursue and arrest without warrant any person violating in his presence any law, rule or regulation on or relating to said parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Conservation and Development.

Powers of arrest.

Sec. 113-28.3. Bond required. Each employee of the State Department of Conservation and Development commissioned as a special peace officer under this Article shall give a bond with a good surety, payable to the State of North Carolina in a sum not less than one thousand dollars ($1,000.00), conditioned upon the faithful discharge of his duty as such peace officer. The bond shall be duly approved by and filed in the Office of the Insurance Commissioner, and copies of the same, certified by the Insurance Commissioner, shall be received in evidence in all actions and proceedings in this State.

Bond required.

Sec. 113-28.4. Oaths required. Before any employee of the Department of Conservation and Development commissioned as a special peace officer shall exercise any power of arrest under this Article, he shall take the oaths required of public officers before an officer authorized to administer oaths.

Oath.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 170 **CHAPTER 578**

AN ACT TO AUTHORIZE THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO NAME THE SENATE AND HOUSE MEMBERS OF THE COMMISSION ON INTERSTATE COOPERATION, AMENDING ARTICLE 15 OF CHAPTER 143 OF THE GENERAL STATUTES IN THIS RESPECT AND OTHERWISE.

The General Assembly of North Carolina do enact:

G. S. § 143-178, amended.

SECTION 1. That G. S. 143-178 is hereby amended to read as follows:

Senate members of Commission on Interstate Cooperation.

143-178. Senate Members on Interstate Cooperation. The President of the Senate at each regular Session of the General Assembly shall designate five Members of the Senate as Senate Members of the Commission on Interstate Cooperation.

G. S. § 143-179, amended.

SEC. 2. That G. S. 143-179 is hereby amended to read as follows:

House members of Commission on Interstate Cooperation.

143-179. House Members on Interstate Cooperation. The Speaker of the House of Representatives at each regular Session of the General Assembly shall designate five Members of the House as House Members of the Commission on Interstate Cooperation.

G. S. § 143-181, amended, as to composition of Commission on Interstate Cooperation.

SEC. 3. That G. S. 143-181 be amended by striking out the sentence "The five members of the Senate committee on interstate cooperation," and substituting in lieu thereof:

Senate members.

The five Members named by the President of the Senate.

That said Section be further amended by striking out the sentence "The five members of the House committee on interstate cooperation," and substituting in lieu thereof:

House members.

The five Members of the House designated by the Speaker.

Section further amended.

That said Section be further amended by striking out the last sentence thereof, reading as follows: "The chairman of the Governor's committee on interstate cooperation shall be ex officio chairman of this commission.", and by adding at the end of said Section the following:

Time of holding organization meeting of Commission.

Said commission shall meet before the adjournment of each regular Session of the General Assembly in the City of Raleigh and at such meeting organize by the election of a chairman and secretary thereof.

SEC. 4. That G. S. 143-182 be amended by striking out the words "standing committee of the Senate and the said standing committee of the House of Representatives," and substituting in lieu thereof,

G. S. § 143-182, amended, as to membership of Senate and House Council, American Legislators' Assn.

and the said members of the commission named by the President of the Senate and the Speaker of the House.

SEC. 5. That G. S. 143-185 be amended by adding at the end of said Section the following:

G. S. § 143-185, amended.

The Governor and the Council of State are authorized to allocate from the Contingency and Emergency Fund such sums as they shall find proper to provide for the necessary expenses which said commission is authorized to incur, as hereinbefore provided.

Funds for expenses of Commission on Interstate Cooperation.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 205 **CHAPTER 579**

AN ACT TO REPEAL CHAPTER 306 OF THE PUBLIC-LOCAL LAWS OF 1941 AND CHAPTER 1083 OF THE SESSION LAWS OF 1945 RELATING TO SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF NEW HANOVER COUNTY, AND FIXING THE SALARIES OF CERTAIN ELECTIVE OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 306 of the Public-Local Laws of 1941 and Chapter 1083 of the Session Laws of 1945 are hereby repealed.

Ch. 306, Public-Local Laws, 1941; Ch. 1083, Session Laws, 1945, as to salaries in New Hanover County, repealed.

SEC. 2. Annual salaries in accordance with the schedule hereinafter set forth shall be paid to the elective officers of New Hanover County specified herein, as follows:

New schedule of salaries of elective officials, New Hanover County.

The chairman of the board of county commissioners shall receive an annual salary of forty-five hundred dollars ($4,500.00). Each other member of the board of county commissioners shall receive an annual salary of six hundred dollars ($600.00).

Salary of Chairman and members, Board of Commissioners.

Salary of County Auditor.

The county auditor shall receive an annual salary of forty-five hundred dollars ($4,500.00).

Salary of Sheriff.

The sheriff shall receive an annual salary of fifty-three hundred and fifty dollars ($5,350.00).

Salary of C.S.C.

The Clerk of Superior Court shall receive an annual salary of forty-six hundred dollars ($4,600.00).

Salary of Register of Deeds.

The register of deeds shall receive an annual salary of forty-five hundred dollars ($4,500.00).

Salary of Judge of Recorders Court.

The Judge of the Recorders Court of New Hanover County shall receive an annual salary of forty-nine hundred dollars ($4,900.00).

Salary of Solicitor of Recorders Court.

The Solicitor of Recorders Court of New Hanover County shall receive an annual salary of four thousand dollars ($4,000.00).

Installment payments.

The above salaries shall be paid in twelve equal monthly installments out of county funds and shall be in full compensation for the official services of the designated elective officers, with the exception of those specific fees collectible by the Clerk of the Superior Court under G. S. 105-22, G. S. 105-24, and G. S. 105-93, which fees shall be retained by the Clerk of the Superior Court of New Hanover County in addition to any other compensation allowed him by law, any provision of this Act to the contrary notwithstanding. *Provided,* that in addition to the fifty-three hundred fifty dollars ($5,350.00) annual salary paid to the sheriff, he shall receive an annual travel and incidental expense allowance of not less than nine hundred dollars ($900.00), and the chairman of the board of county commissioners, in addition to his annual salary, shall receive an annual travel and incidental expense allowance of not less than four hundred twenty dollars ($420.00).

Retention of certain fees by C. S. C., as extra compensation.

Travel and expense allowance for Sheriff.

Travel and expense allowance for Chairman of Board of Commissioners.

Compensation of appointive officers and employees.

SEC. 3. The compensation of all appointive officers and employees of the county shall be fixed and paid by the board of county commissioners out of county funds.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 215

CHAPTER 580

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF HEALTH TO PURCHASE AND RETIRE ANY OUTSTANDING SELF-LIQUIDATING BONDS ISSUED UNDER THE PROVISIONS OF CHAPTER 324 OF THE PUBLIC LAWS OF 1937 AND TO AUTHORIZE SAID BOARD TO SELL PROPERTY AND APPLY THE PROCEEDS OF SALE TO THE LIQUIDATION OF SAID BONDS.

The General Assembly of North Carolina do enact:

Ch. 324, Public Laws, 1937, amended.

SECTION 1. Amend Subsection (b) of Section 2 of Chapter 324 of the Public Laws of 1937 by adding at the end thereof the following:

State Board of Health authorized to purchase bonds prior to maturity.

To purchase any of said bonds that may be outstanding before the due date and to apply any and all fees, charges and receipts which the North Carolina State Board of Health may allocate for the purchase of any of such outstanding bonds; that the fees, charges and receipts described in Subsections (a) and (b) of this Section shall remain continuously available to the North Carolina State Board of Health for the purchase of any of such outstanding bonds, whether the same may be due or not and none of said receipts, charges or fees shall revert to the General Fund or to any other fund of the State of North Carolina until all of said bonds have been retired or liquidated; to sell, with the approval of the Governor and Council of State, any property, either land, timber or equipment acquired with the funds derived from the sale of the revenue bonds issued under this Act and to use the funds so derived from such sales for the purchase of any outstanding revenue bonds issued under this Act whether the same shall be due and payable or not.

Retention of fees, charges, receipts, by Health Board.

Power of Board to sell property; use of funds to buy outstanding bonds.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 3. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 256 **CHAPTER 581**

AN ACT RELATING TO THE JURISDICTION OF THE RECORDER'S COURT OF WENDELL.

The General Assembly of North Carolina do enact:

Ch. 558, Public-Local Laws, 1939, amended.

SECTION 1. Chapter 558 of the Public-Local Laws of 1939 is hereby amended by adding a new Section to said Act, to follow Section 4 and to precede Section 5, and to be numbered Section 4½, as follows:

Jurisdiction of Recorder's Court of Wendell.

Sec. 4½. That the Recorder's Court of Wendell, established under Chapter 7, Subchapter 4, Articles 24, 27, and 29 of the General Statutes and amendments thereto shall have original and concurrent jurisdiction with justices of the peace and

Civil actions, on contract.

the Superior Court, as the case may be, to try all civil actions based on contract wherein the sum demanded, exclusive of interest and cost, does not exceed one thousand dollars

Tort actions.

($1,000.00) and in tort actions wherein the sum demanded, exclusive of interest and cost, does not exceed five hundred dollars ($500.00). Actions based on contract and tort within the jurisdiction of courts of justices of the peace shall conform,

Rules of practice.

as near as may be, to the rules of practice applicable under the general laws to such courts; and such actions within the jurisdiction of the Superior Courts shall conform, as near as may be, to the rules of practice applicable under the general laws

Process.

to those courts. All process issued out of the Recorder's Court of Wendell, with respect to any matter not within the jurisdiction of a justice of the peace, shall run anywhere in the State in the same manner as if such process had been issued

Application of G. S. § 1-92, § 1-93.

in the Superior Courts and G. S. 1-92 and G. S. 1-93 shall control the procedure with respect thereto.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 259 **CHAPTER 582**

AN ACT RELATING TO THE FEES OF COUNTY LAW ENFORCING OFFICERS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Fees of officers, Yadkin County, for conviction of person manufacturing intoxicating liquors.

SECTION 1. Fee for person apprehending violators of liquor laws. That any officer of Yadkin County who shall hereafter arrest and procure evidence sufficient to convict any person manufacturing intoxicating liquors in Yadkin County shall upon conviction of said person so arrested be entitled to receive a fee of fifteen dollars ($15.00), to be taxed against the defendant.

Fees of officers for conviction of person selling liquors.

SEC. 2. Fee for evidence to convict. That any officer of said county who shall hereafter arrest and procure evidence sufficient to convict any person of the offense of selling intoxicating liquors, shall upon conviction of said person of said offense be entitled to receive a fee of fifteen dollars ($15.00), to be taxed against the defendant.

Fee for capture of vehicle transporting liquors.

SEC. 3. Fee for capture of vehicle. That when any officer of Yadkin County shall hereafter seize or capture any vehicle or team transporting intoxicating liquors contrary to law and said vehicle or team is forfeited and sold under the provisions of law said officer shall be entitled to receive a fee of fifty dollars ($50.00), to be added to the cost of said seizure and sale which shall be deducted from the money received from said sale, and the remainder of the funds received from said sale to be paid over to the proper authorities as is now required by law.

Fee deducted from proceeds of sale of vehicle.

Disposition of remainder of funds.

Allowance of one-half fees where costs not paid by defendant.

SEC. 4. When county to pay half fees. That in all cases where any person convicted of the manufacture or sale of intoxicating liquors and the cost is not paid by the defendant, but is taxed against the county, the officer making the arrest and securing the conviction of said defendant shall be allowed one-half his fees.

Application of previous sections of this Act.

SEC. 5. Application of Sections 1 through 4. Sections 1, 2, 3, and 4 of this Act shall not apply in any case where the amount of liquor involved is less than one gallon, and said Sections shall apply only to officers and deputies in Yadkin County.

Misdemeanor arrest fees.

SEC. 6. Misdemeanor arrest fees. In all cases where the charge in the warrant issued constitutes a misdemeanor, the officer making such arrest shall be entitled to a fee of two dollars and fifty cents ($2.50), to be taxed against the defendant.

Felony arrest fees.

SEC. 7. Felony arrest fee. In all cases where the offense charged in the warrant issued constitutes a felony, the officer making such arrest shall be entitled to a fee of three dollars ($3.00), to be taxed against the defendant.

Other fees for County law enforcement officers.

SEC. 8. Other fees. In addition to other fees for other services now authorized by law for county law enforcing officers in Yadkin County, fees for the following services shall be allowed in the amount set out opposite each service listed below:

Schedule of other fees.

Serving summons in civil action in Superior Court	$2.00
Serving summons in civil action in court of a justice of the peace	$1.00
Serving subpoena in civil or criminal action	$1.00
Service of summons in special proceeding	$1.50
Imprisonment of any person in a civil or criminal action	$1.00
Release of any person from prison	$1.00

Application of Act.

SEC. 9. This Act shall apply only to Yadkin County.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 260 **CHAPTER 583**

AN ACT TO AMEND CHAPTER 262 OF THE SESSION LAWS OF 1943, AS AMENDED BY CHAPTER 511 OF THE SESSION LAWS OF 1945, RELATING TO THE COMPENSATION OF DEPUTY SHERIFFS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 262, Session Laws, 1943, as amended, further amended as to compensation of deputy sheriffs, Edgecombe County.

SECTION 1. That Section 3 of Chapter 262 of the Session Laws of 1943, as amended and rewritten by Section 1 of Chapter 511 of the Session Laws of 1945, be, and the same is hereby, amended by striking out in lines ten and eleven of said Section the words and figures "two hundred and twenty-five dollars ($225.00)," and inserting in lieu thereof the words and figures "two hundred and seventy-five dollars ($275.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect on and after April 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 263 CHAPTER 584

AN ACT TO VALIDATE ACTS OF JUDGE OF RECORDER'S COURT STRIKING CERTAIN CASES FROM THE RECORDS IN WHICH COST AND FINE WERE NOT PAID.

The General Assembly of North Carolina do enact:

SECTION 1. That the acts of the Judge of the Recorder's Court of Moore County striking and retiring from the records and docket of said court certain cases in which the fine and cost or any part of either were unpaid up to and including judgment number 7759 of said court be and the same are hereby validated. Acts of Judge of Recorder's Court, Moore County, striking certain cases from docket, validated.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 272 CHAPTER 585

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT, AS THE GOVERNING BODY OF THE ROANOKE RAPIDS CITY ADMINISTRATIVE UNIT, TO ESTABLISH AND OPERATE A JUNIOR COLLEGE, TO ISSUE BONDS TO PROVIDE THE NECESSARY BUILDINGS THEREFOR, AND TO LEVY SPECIAL TAXES FOR THE MAINTENANCE THEREOF AFTER APPROVAL BY THE VOTERS OF SAID DISTRICT.

Preamble:

WHEREAS, the people residing in the Roanoke Rapids City Administrative Unit have exhibited on all occasions a desire to provide the best possible educational opportunities for their children; and

Desire of people, Roanoke Rapids for educational opportunities for children.

High standards met by present facilities.

WHEREAS, the present facilities, as provided, have met all standards and requirements of the State Department of Public Instruction and the Southern Association of Colleges and Secondary Schools; and

Addition of junior college deemed wise.

WHEREAS, it now appears that in keeping with the traditions and desires of the people, to provide the best educational facilities possible for their children, it is deemed wise to expand such facilities by the addition of a junior college as a part of the public school program within the Roanoke Rapids City Administrative Unit: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authority to establish junior college, Roanoke Rapids City Administrative unit.

SECTION 1. That the Board of Trustees of the Roanoke Rapids Graded School District, as the governing body of the Roanoke Rapids City Administrative Unit, is authorized and empowered, in its discretion, and at such time as it may determine to do so, to establish and conduct in the Roanoke Rapids City Administrative Unit, as now or hereafter constituted, a junior college to consist of two years of instruction of college grade, the curriculum and standards to be subject to the approval of the State Superintendent of Public Instruction. No tuition shall be charged to residents of the said administrative unit but a reasonable amount can be charged for tuition of students from outside of the said administrative unit. The board of trustees may make such rules and regulations as may be necessary for the conduct of the said school.

Curriculum and standards.

Free tuition for residents; charge of tuition to outsiders.

Acquisition of site for junior college.

SEC. 2. That the board of trustees aforesaid is hereby authorized and empowered to expand existing school facilities and if and when necessary in the furtherance of said expansion to acquire, by purchase or otherwise, such additional land necessary for a site for the junior college, which shall be known and designated as the "Roanoke Rapids Junior College," or such other name as may be designated by the board of trustees; and said board of trustees is further authorized and empowered to construct such building or buildings as may be necessary for the operation of said junior college, and to provide such other facilities and equipment as may be necessary for the operation thereof. The said board of trustees is authorized to employ such officers, teachers and other employees as may be necessary for the operation of said institution, and to provide for the administration thereof, and to prescribe the titles and duties of all such officers, teachers and other employees. The said junior college shall be operated in conjunction with the public school system conducted by the Board of Trustees of the Roanoke Rapids Graded School District as Trustees for the Roanoke Rapids City Administrative Unit.

Name.

Construction of buildings.

Provision for equipment.

Employment of officers, teachers, other employees.

Operation of junior college.

SEC. 3. That the Board of Trustees of the Roanoke Rapids Graded School District is hereby authorized and empowered to levy taxes upon all real and personal property in Roanoke Rapids City Administrative Unit for the maintenance and operation of the said junior college, for which special approval of the General Assembly is hereby given, not to exceed twenty cents (20c) on each one hundred dollars ($100.00) of taxable property therein, said taxes to be levied and collected in the manner that other taxes are levied and collected by the said board of trustees in said administrative unit. Such taxes shall be levied only if approved and authorized by a majority of the qualified voters in an election called and held for said purpose by the board of trustees of said administrative unit, such election to be held at the same time and in the same manner as the election held to determine whether or not bonds of the said administrative unit shall be issued for the purpose of erecting the necessary buildings for the operation of the said junior college. The said board is authorized and empowered to provide for a special registration of voters for such election, in the same manner as authorized by the Municipal Finance Act hereinafter referred to.

Tax levy for maintenance and operation of junior college.

Limitation of tax.

Tax levy subject to referendum.

Special registration of voters.

SEC. 4. That the Board of Trustees of the Roanoke Rapids Graded School District as the governing board of the Roanoke Rapids City Administrative Unit is hereby authorized and empowered, in order to provide the funds necessary for the erection and equipping of the buildings to be used for said purpose, to issue bonds or notes for an amount not to exceed two hundred thousand dollars ($200,000.00) for the special purpose aforesaid, and to levy property taxes for the payment of such bonds, notes and interest thereon, for which special approval of the General Assembly is hereby given. Said bonds shall be issued by the said board of trustees if authorized by a majority of the qualified voters of said administrative unit in an election called and held for the purpose of voting on said question. The manner of voting on said bond issue, and all other procedures in connection therewith, shall be in accordance with the provisions and with all of the power and authority provided for municipal corporations under Article 28 of Chapter 160 of the General Statutes, known as the Municipal Finance Act. The Board of Trustees of the said Roanoke Rapids Graded School District shall perform all of the acts in connection with the issuance of such bonds as prescribed in said Municipal Finance Act to be performed by the governing body of the municipal corporation.

Provision for funds for erecting and equipping buildings.

Issuance of bonds or notes.

Tax levy.

Referendum on bond issue.

Conduct of election.

Application of Municipal Finance Act.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 273 CHAPTER 586

AN ACT TO FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT OF BUNCOMBE COUNTY, THE TAX COLLECTOR OF BUNCOMBE COUNTY, AND THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Salary of Clerk of Superior Court of Buncombe County.

SECTION 1. That from and after April 1st, 1947, the salary of the Clerk of the Superior Court of Buncombe County shall be six thousand dollars ($6,000.00) per year.

Salary of Chairman, Board of Commissioners.

SEC. 2. That from and after April 1st, 1947, the salary of the chairman of the board of county commissioners of said county shall be four thousand eight hundred dollars ($4,800.00) per year.

Salary of Tax Collector.

SEC. 3. That from and after April 1st, 1947, the salary of the Tax Collector for the Board of Tax Supervision of Buncombe County shall be four thousand two hundred dollars ($4,200.00) per year.

Salary of Register of Deeds.

SEC. 3½. That from and after April 1st, 1947, the Register of Deeds of Buncombe County shall be paid a salary of forty-six hundred dollars ($4,600.00), payable in equal monthly installments. That the salary herein fixed for the Register of Deeds of Buncombe County shall be full compensation for all the duties of his office, including the duties of the Register of Deeds of Buncombe County as ex-officio Clerk to the Board of County Commissioners of Buncombe County.

Customary payment of salaries.

SEC. 4. That said salaries shall be paid as is customary for Buncombe County to pay its county officers and employees.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 277 **CHAPTER 587**

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN DAVIE, WILKES AND YADKIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That portion of Section 7-70 of the General Statutes of North Carolina relating to the terms of court in Davie, Wilkes and Yadkin Counties is hereby rewritten to read as follows:

G. S. § 7-70, as to Superior Court terms, Davie, Wilkes, Yadkin Counties, rewritten.

Davie—Third Monday after the first Monday in March for the trial of both criminal and civil cases; twelfth Monday after the first Monday in March, for the trial of civil cases only; first Monday before the first Monday in September, for the trial of both criminal and civil cases; thirteenth Monday after the first Monday in September, for the trial of civil cases only.

Davie County court terms.

Wilkes—Seventh Monday before the first Monday in March for three weeks for the trial of civil cases only; first Monday in March for three weeks for the trial of both civil and criminal cases; eighth Monday after the first Monday in March for two weeks for the trial of civil cases only; thirteenth Monday after the first Monday in March for two weeks for the trial of both civil and criminal cases, without the intervention of a grand jury; fourth Monday before the first Monday in September for three weeks for the trial of both civil and criminal cases; fourth Monday after the first Monday in September for two weeks for the trial of civil cases only; fourteenth Monday after the first Monday in September for two weeks for the trial of civil and criminal cases.

Wilkes County court terms.

Yadkin—Fourth Monday before the first Monday in March for three weeks for the trial of both criminal and civil cases; first Monday in September for one week for the trial of both criminal and civil cases; eleventh Monday after the first Monday in September for two weeks for the trial of civil cases.

Yadkin County court terms.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 278 **CHAPTER 588**

AN ACT TO AMEND CHAPTER 774 OF THE SESSION LAWS OF 1943 RELATING TO THE SALARY OF THE CHIEF DEPUTY SHERIFF AND JAILER IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 774, Session Laws, 1943, amended.

SECTION 1. Chapter 774 of the Session Laws of 1943 is hereby amended by rewriting Section 1 thereof to read as follows:

Salary of Chief Deputy Sheriff and Jailer, Yadkin County.

SECTION 1. The Board of County Commissioners of Yadkin County is hereby authorized to pay whoever serves as Chief Deputy Sheriff and Jailer of Yadkin County an annual salary of six hundred dollars ($600.00), said salary to be paid out of the general fund of the county in equal monthly installments and to be in addition to all other fees or compensation received by said chief deputy sheriff and jailer.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 279 **CHAPTER 589**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RICHMOND COUNTY TO FIX THE SALARY AND COMPENSATION OF THE JUDGE AND PROSECUTING ATTORNEY OF THE RICHMOND COUNTY SPECIAL COURT.

The General Assembly of North Carolina do enact:

Compensation of Judge of Richmond County Special Court.

SECTION 1. The Board of County Commissioners of Richmond County is hereby authorized and empowered to fix and determine the salary and compensation to be paid the Judge of the Richmond County Special Court not to exceed twenty-five hundred dollars ($2,500.00) per annum.

Compensation of Prosecuting Attorney.

SEC. 2. The Board of County Commissioners of Richmond County is hereby authorized and empowered to fix and determine the salary and compensation to be paid the Prosecuting Attorney or Solicitor of the Richmond County Special Court not to exceed the sum of two thousand dollars ($2,000.00) per annum.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 281 **CHAPTER 590**

AN ACT TO CREATE A PARK, RECREATION AND CEMETERY COMMISSION FOR THE TOWN OF MURPHY, TO FIX ITS DUTIES, AND TO PROVIDE FOR SUBMISSION OF THE QUESTION OF A SPECIAL TAX OR TAXES FOR SAID PURPOSES TO THE VOTERS OF THE TOWN AT A SPECIAL ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a Park, Recreation and Cemetery Commission for the Town of Murphy, Cherokee County, North Carolina, to be known as the "Murphy Recreation and Cemetery Commission." Creation of Murphy Recreation and Cemetery Commission.

SEC. 2. That the said Murphy Recreation and Cemetery Commission shall consist of seven members and the following persons are named as members of said commission to hold for terms as follows: Appointment of original members of Commission; terms.

Miss Thomasine Slayton,	one year,
H. G. Elkins,	two years,
Mrs. T. A. Case,	three years,
Joe E. Ray,	four years,
W. Frank Forsyth,	five years,
Doyle Burch,	six years,
Leon Axley,	seven years,

each of whom shall serve for the term specified and until his or her successor is appointed and qualified. Thereafter as the terms of the above named members expire one member shall be appointed each year by the Board of Town Commissioners of the Town of Murphy to serve for seven years. Vacancies in the commission shall be filled for the unexpired term by the board of town commissioners. The members shall serve without compensation. The commission shall at its first meeting appoint a chairman and such other officers as it shall deem necessary and shall adopt rules and regulations to govern its procedure. Future appointments; terms. Vacancies filled. Organization of Commission. Adoption of rules and regulations.

Rules and regulations may be adopted from time to time for the purpose of governing the use of the parks, playgrounds, recreation centers and facilities.

Definition of recreation.

SEC. 3. Recreation for the purpose of this Act is defined as it is defined by General Statutes, Section 160-157 (1).

Powers of Commission.

SEC. 4. The said Murphy Recreation and Cemetery Commission shall have all the powers specified in Chapter 1052, Public Laws of 1945, Section 160-158, Subsections 1 to 5, both inclusive.

Powers relating to cemeteries.

SEC. 5. In addition to the above enumerated powers the said commission shall have full charge of all cemeteries within the Town of Murphy and is charged with the duty to supervise and maintain the same.

Right to accept grants, devises, gifts, etc. of real and personal property.

SEC. 6. The said Murphy Recreation and Cemetery Commission shall have the right to accept any grant, lease, loan or devise of real estate, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, for either temporary, immediate or permanent recreational use.

Acceptance of gifts for cemetery maintenance.

Investment and use of funds from gifts.

SEC. 7. The said commission is authorized to accept gifts to be applied, principal or income, to the proper maintenance of the cemeteries in Murphy. If gifts are made, the principal of which is to be invested and income only used for the maintenance of the cemeteries, the commission shall invest said principal only in such securities as are approved by law for investment of guardianship funds.

Power of Commission to act jointly with other agencies.

SEC. 8. Said commission shall have the power to act jointly with any other municipality or any State or Federal agency in the acquisition, purchase, lease, or operation of any park or recreational projects or in the exercise of any of the powers herein granted.

Power to borrow money, issue notes, bonds, etc.

SEC. 9. The commission shall have the power to borrow money from any person, firm, or corporation, public or private, and to make and issue notes, bonds, and other evidences of indebtedness for the financing of park, recreational or cemetery projects; to execute in connection therewith mortgages, deeds of trust or other like instruments upon property belonging to or acquired by the commission, and to pledge the faith of the commission and any prospective revenue for the payment thereof.

Appointment of treasurer.

Bond.

SEC. 10. Said commission shall appoint a treasurer who shall give bond in a suitable amount to be fixed by the commission, which bond may be paid for out of the funds of the commission,

and such treasurer shall keep the recreation funds and the cemetery funds segregated at all times and shall not co-mingle them at any time. Duty as to funds.

SEC. 11. The books of the commission shall properly show all receipts and expenditures for all purposes and shall be audited annually by the regular auditor auditing the municipal books for the Board of Town Commissioners of the Town of Murphy and such audit report shall be filed with the board of commissioners of the town and subject to public inspection as other public records. Record of receipts and expenditures. Audits.

SEC. 12. The Board of Commissioners of the Town of Murphy, upon written request from the said Murphy Recreation and Cemetery Commission is hereby authorized and directed to call a special election for the town for the purpose of submitting to the qualified voters thereof the question of the levy of an ad valorem tax of ten cents (10c) on the one hundred dollars ($100.00) valuation of real and personal property for recreational purposes, and the levy of an ad valorem tax of five cents (5c) on the one hundred dollars ($100.00) of real and personal property for the maintenance of the cemeteries in Murphy. The Board of Commissioners of the Town of Murphy shall call a special registration for such election and said election shall be held as now provided by law for special elections for municipal corporations. At such special election there shall be printed two ballots. The first ballot shall relate to the question of tax for recreation purposes and on it shall be printed on the left hand side thereof "For tax recreational purposes," and on the right side thereof "Against tax for recreational purposes." The second shall relate to tax for cemetery maintenance and on the left side thereof shall be printed "For tax for cemetery maintenance," and on the right hand side thereof shall be printed, "Against tax for cemetery maintenance." If a majority of the voters voting thereon shall approve said taxes, or either of them, the tax or taxes so approved shall be levied yearly thereafter by the board of town commissioners and turned over to said Murphy Recreation and Cemetery Commission for its purposes. Special election on question of tax levy. Levy for recreation purposes. Levy for cemetery maintenance. Special registration. Form of ballots. Tax levy directed, upon favorable vote.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 292 **CHAPTER 591**

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF SCOTLAND NECK IN HALIFAX COUNTY, AND TO PROVIDE FOR THE MANNER IN WHICH THE QUESTION OF SUCH EXTENSION SHALL BE SUBMITTED TO THE VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Authority of governing body, Town of Scotland Neck, to extend corporate limits.

SECTION 1. After public notice has been given by publication once a week for four successive weeks in a newspaper with a general circulation in the Town of Scotland Neck which said notice shall describe by metes and bounds the territory to be annexed and notify the owner and owners of property located in such territory that a session of the Board of Commissioners

Meeting of board.

of the Town of Scotland Neck will meet at a designated time and place for the purpose of considering the annexation of such territory to the Town of Scotland Neck in Halifax County, the governing body of the Town of Scotland Neck is hereby authorized and empowered to adopt an ordinance extending the corporate limits to include the following described territory:

Adoption of ordinance.

Description of Tract No. 1 of proposed extended area.

Tract No. 1. Beginning at a point on a ditch 400 feet west of North Church Street at the northwest corner of the present town limits; thence North 70 degrees West running approximately 387 feet along the ditch to a gum tree; thence North 30 minutes West 444 feet to a stake; thence North 83 degrees East 849½ feet to a stake 200 feet north of Cherry Street; thence North 30 minutes West 412 feet to a stake; thence South 78 degrees East 950 feet to a stake on the eastern edge of the Atlantic Coast Line Railroad right of way; thence in a southerly direction along said eastern edge of the Atlantic Coast Line Railroad right of way approximately 1200 feet to a stake on the northern edge of the present town limit line.

Description of Tract No. 2.

Tract No. 2. Beginning at the intersection of west 12th Street (Highway No. 125) and the canal and runs South 69 degrees 45 minutes East along 12th Street 900 feet; thence North 18 degrees 50 minutes East 460 feet; thence North 69 degrees 45 minutes West about 900 feet to the canal; thence in a southerly direction down the canal to the beginning.

Description of Tract No. 3.

Tract No. 3. Beginning at a point in the old Tarboro Highway, said point being the southwest corner of the Town of Scotland Neck, and runs thence South 71 degrees West 500 feet to the intersection of the old Tarboro Highway and the center line of U. S. Highway No. 258; thence along the center line of U. S. Highway No. 258 North 55 degrees East 300 feet;

thence North 37 degrees 30 minutes East about 322 feet to the present west corporate line of the Town of Scotland Neck; thence South 7 degrees 40 minutes East along said corporate limits 270 feet to the beginning.

Territory annexed as of date of ordinance, unless election required.

SEC. 2. That from and after the date of the adoption of such ordinance, unless an election is required as outlined in Section 3 hereof, the territory and its citizens and property shall be annexed to the Town of Scotland Neck and be subject to all debts, laws, ordinances, and regulations enforced in said town and the newly annexed territory shall be subject to municipal tax levied for the fiscal year following the date of the annexation ordinance.

Effect of existing laws, etc., as to new territory.

Provision for referendum upon annexation question.

SEC. 3. If at the meeting hereinbefore required, a petition is filed and signed by at least 15% of the qualified voters residing in the area herein described requesting a referendum on the question, the Board of Commissioners of the Town of Scotland Neck shall, before passing said ordinance annexing said territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed and the governing body may or may not cause the question to be submitted at the same time to the residents of the municipality.

Determination of extent of referendum.

SEC. 4. Upon receipt of a sufficient petition, or if the board, on its own motion, determines that a referendum shall be held, the board of commissioners shall determine whether or not the election will be conducted solely in the area to be annexed or together with the qualified voters of the municipality, and shall order the Halifax County Board of Elections to call an election to determine whether or not the proposed territory shall be annexed to the Town of Scotland Neck. Within sixty (60) days after receiving such order from the Board of Commissioners of Scotland Neck, the Halifax County Board of Elections shall proceed to hold an election on the question.

Call of election.

Time for holding election.

Contents of resolution calling election.

SEC. 5. That such election shall be called by a resolution or resolutions of said County Board of Elections which shall: (a) Describe the territory proposed to be annexed to said town as set out in the order of said board of commissioners; (b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed, and if ordered by the board of commissioners, the qualified voters of said town voting together; (c) Provide for a special registration of voters in the territory proposed to be annexed for said election; (d) Designate the precincts and voting places for such election; (e) Name the registrars and judges of such election; (f) And make all other

necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the results of such election. Said resolution shall be published in one or more newspapers of said town once a week for thirty (30) days prior to the opening registration books. All cost of holding such election shall be paid by the Town of Scotland Neck. Except as herein provided, said election shall be held under the same statutes, rules, and regulations as are applicable to elections in the Town of Scotland Neck.

Publication of resolution.

Conduct of election.

Ballots.

SEC. 6. That at such election those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast shall be "For Extension," then from and after the first day of January next following such election and the declaration and certification of the results of such election, the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations in force in said Town of Scotland Neck and shall be entitled to the same privileges and benefits as other parts of said town. The newly annexed territory shall be subject to town taxes levied for the fiscal year following the date of annexation.

Effect of majority vote for extension.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 294 **CHAPTER 592**

AN ACT PROVIDING FOR THE REASSESSMENT AS OF JANUARY 1ST, 1947, OF PROPERTY FOR PURPOSES OF AD VALOREM TAXATION IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Revaluation and reassessment of property for taxation in Beaufort County.

SECTION 1. The Board of County Commissioners of Beaufort County is hereby authorized and directed to make or cause to be made a revaluation, reassessment and listing of all real and personal property subject to ad valorem taxation in Beaufort County for the year 1948, such revaluation and reassessment to be made as of January 1st, 1948.

SEC. 2. The procedure and methods of effecting such revaluation, reassessment and listing shall be governed by the provisions of Chapter 105 of the General Statutes of North Carolina. Procedure and methods.

SEC. 3. The board of county commissioners, the tax supervisor, list takers, assessors, board of equalization and review, together with all other officials, personnel and assistants concerned with the revaluation, reassessment, listing and collection of ad valorem taxes are hereby vested with all the powers and charged with all the responsibilities given to such persons or agencies on regular quadrennial assessment years, under the provisions of Chapter 105 of the General Statutes of North Carolina, as amended, in the same manner and to the same extent as if the reassessment, revaluation and listing of taxes provided for in this Act were being made and carried out in a regular quadrennial assessment year. Powers and duties of Board of Commissioners and other officers and employees.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 303 **CHAPTER 593**

AN ACT TO FURTHER AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1899, AS AMENDED, RELATING TO THE POWERS OF THE BOARD OF ALDERMEN OF THE CITY OF GREENVILLE, NORTH CAROLINA.

WHEREAS, the City of Greenville in a recent special election has voted a bond issue for the purpose of enlarging and expanding its municipal power plant which expansion is now being made, and within the near future the City of Greenville will have available an abundance of power, the sale of which will materially enhance the profits from its said plant to the benefit of the citizens and taxpayers of said city; and, Preamble: Bond issue for power plant expansion, City of Greenville, approved at election. Availability of power for sale.

WHEREAS, the City of Greenville receives annually revenues and funds from sources other than taxes; and, City revenue from non-tax sources.

WHEREAS, it is deemed advisable to use annually a portion of the profits from its said municipal power plant and/or from revenues and funds received annually from sources other than taxation to develop a larger market for its power by advertising the facilities of the City of Greenville, and also, to better provide for a much needed supervised system of recreation and Use of funds for development larger market for power, advisable. Provision for other purposes, advisable.

playground activities for the citizens, and particularly the young folk, of the said city, so as to promote the health, happiness and safety of its citizens, as well as the city's growth; *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 115, Private Laws, 1899, amended.

SECTION 1. That Chapter 115 of the Private Laws of 1899, entitled, "An Act to Amend and Consolidate the Charter of the Town of Greenville, N. C.," as amended, shall be and the same is hereby further amended by adding as subdivisions 18 and 19 to Section 7 thereof the following:

City of Greenville authorized to use funds for advertising facilities, to secure customers for power.

18. To appropriate annually from the revenues received from the profits of the municipal power plant and/or from revenues and funds received from a source or sources other than taxation, an amount not exceeding the sum of two thousand dollars ($2,000.00), to be used for advertising the facilities of the City of Greenville, and particularly in securing customers for its municipal power, which said undertaking is hereby declared to be for a public purpose and for the public benefit. The money so appropriated may be expended directly by the board of aldermen, or through the facilities of such agency as the said board may select and used in such manner as will, in the opinion of the board of aldermen, best serve the purposes herein set forth.

Expenditure of funds.

Appropriations for recreation system.

19. To appropriate annually from revenues received from the profits of the municipal power plant and/or from revenues received from a source or sources other than taxation, an amount not exceeding the sum of five thousand and five hundred dollars ($5,500.00), to be used for defraying the costs and expenses of a supervised system of recreation and playground activities for the citizens of the City of Greenville, and particularly the young folk of said city, so as further promote the health, happiness and safety of its citizens, which said undertaking is hereby declared to be for a public purpose and for the public benefit. The money so appropriated may be expended by the board of aldermen directly, or through the facilities of such agency as the board may select, and used in such manner as will, in the opinion of the board of aldermen, best serve the purposes herein set forth.

Expenditure of funds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 305 **CHAPTER 594**

AN ACT FIXING THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS AND TREASURER OF ORANGE COUNTY, AND THE PER DIEM OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Orange County.

SECTION 1. On and after July 1st, 1947, the Board of Commissioners of Orange County is authorized and directed to pay the Sheriff of Orange County a salary of three thousand six hundred dollars ($3,600.00) per annum, in equal monthly installments.

Salary of Clerk of Superior Court.

SEC. 2. On and after July 1st, 1947, the Board of Commissioners of Orange County is authorized and directed to pay the Clerk of the Superior Court of Orange County a salary of three thousand three hundred dollars ($3,300.00) per annum, in equal monthly installments, as full remuneration including service as juvenile judge.

Salary of Register of Deeds.

SEC. 3. On and after July 1st, 1947, the Board of Commissioners of Orange County is authorized and directed to pay the Register of Deeds of Orange County a salary of three thousand dollars ($3,000.00) per annum, in equal monthly installments.

Salary of Treasurer.

SEC. 4. On and after July 1st, 1947, the Board of Commissioners of Orange County is authorized and directed to pay the Treasurer of Orange County a salary of one thousand five hundred dollars ($1,500.00) per annum, in equal monthly installments.

Per diem and travel allowances of members, Board of Commissioners.

SEC. 5. Each Member of the Board of Commissioners of Orange County shall receive a per diem of seven dollars ($7.00) for each day attending meetings of the board and, in addition thereto, mileage of five cents (5c) per mile to and from the meeting place for each such meeting attended. The per diem herein fixed shall be effective as of the first Monday in December, 1948.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 307 CHAPTER 595

AN ACT TO ENLARGE THE POWER OF ARREST OF THE POLICE OFFICERS OF THE VARIOUS MUNICIPAL CORPORATIONS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Powers of arrest of police officers of incorporated municipalities, Columbus County, extended.

SECTION 1. The power of arrest conferred upon the police officers of the various municipal corporations within the County of Columbus may be exercised by such police officers within the corporate limits of their respective municipal corporations and within the territory within one mile of the corporate limits of their respective municipalities. The authority to make arrests within one mile of the corporate limits of a municipality granted by this Act to the police officers of said municipality shall apply only to police officers of incorporated municipalities.

Application of Act.

SEC. 2. This Act shall apply only to Columbus County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 4. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 309 CHAPTER 596

AN ACT TO AMEND CHAPTER 33 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE ACCOUNTS REQUIRED TO BE FILED BY GUARDIANS.

The General Assembly of North Carolina do enact:

G. S., Ch. 33, Art. 5, amended.

SECTION 1. Article 5 of Chapter 33 of the General Statutes is hereby amended by adding thereto a new Section, to be numbered Section 33-42.1, to follow immediately Section 33-42, and to read as follows:

Guardians required to exhibit investments and bank statements for examination by Clerk of Superior Court.

Section 33-42.1. Guardian required to exhibit statements. At the time the accounts required by this Article or other provisions of law are filed, the Clerk of the Superior Court shall require the guardian to exhibit to the court all investments and bank statements showing cash balance, and the Clerk of Supe-

rior Court shall certify on the original account that an examination was made of all investments and the cash balance, and that the same are correctly stated in the account.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 314 **CHAPTER 597**

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chairman of the Board of County Commissioners of Wayne County shall receive in lieu of all other compensation the sum of fifty dollars ($50.00) per month, and the other members of said board shall each receive a salary of twenty-five dollars ($25.00) per month, payable monthly from the general fund of said county. Compensation of Chairman and members of Board of Commissioners, Wayne County.

SEC. 2. The salaries herein fixed shall be effective as of January 1st, 1947. Effective date.

SEC. 3. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 319 **CHAPTER 598**

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EFFECTUATE A CHANGE IN NAMES OF THE UNEMPLOYMENT COMPENSATION LAW AND THE UNEMPLOYMENT COMPENSATION COMMISSION OF NORTH CAROLINA, AND TO FURTHER AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW.

The General Assembly of North Carolina do enact:

Unemployment Compensation Law changed to Employment Security Law.

Name of U. C. C. changed.

Title of administration funds changed.

Other changes.

SECTION 1. Wherever the words "Unemployment Compensation Law" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the words "Employment Security Law" shall be inserted in lieu thereof; wherever the words "Unemployment Compensation Commission" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the "Employment Security Commission" shall be inserted in lieu thereof; wherever the words "Unemployment Compensation Administration Fund" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the words "Employment Security Administration Fund" shall be inserted in lieu thereof; wherever the words "Special Unemployment Compensation Administration Fund" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the words "Special Employment Security Administration Fund" shall be inserted in lieu thereof; wherever the words "State Unemployment Commission" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the words "Employment Security Commission" shall be inserted in lieu thereof; wherever the words "North Carolina Unemployment Commission" are used or appear in any statute of this State, heretofore or hereafter enacted, the same shall be stricken out and the words "Employment Security Commission" shall be inserted in lieu thereof.

Purpose of Section.

The sole purpose of this Section is to effectuate a change in the name of the "Unemployment Compensation Commission of North Carolina" to the "Employment Security Commission of North Carolina"; to change the name of the "Unemployment Compensation Law" to "Employment Security Law"; to change the name of the "Unemployment Compensation Administration Fund" to "Employment Security Administration Fund"; to change the name of the "Special Unemployment Compensation

Administration Fund" to "Special Employment Security Administration Fund"; to change the words "State Unemployment Commission" to "Employment Security Commission"; to change the words "North Carolina Unemployment Commission" to "Employment Security Commission" wherever such names are used or appear in any statute of this State, heretofore or hereafter enacted.

Members of U. C. C. continued in office as members of Employment Security Commission.

SEC. 2. That the present Members of the Unemployment Compensation Commission of North Carolina shall continue their tenure of office as commissioned by the Governor; and that all rights, powers, duties and obligations of every nature heretofore exercised by such individuals as Members of the Unemployment Compensation Commission of North Carolina shall continue in such individuals as Members of the Employment Security Commission of North Carolina.

Succession of Employment Security Commission to rights, powers, duties of U. C. C.

SEC. 3. That the Employment Security Commission of North Carolina shall automatically succeed to all the rights, powers, duties and obligations of whatever nature of the present Unemployment Compensation Commission of North Carolina; and the duties and powers imposed upon and vested in the Unemployment Compensation Commission of North Carolina by law shall devolve and be imposed upon, vested in and merged with the duties and powers of the Employment Security Commission of North Carolina; and that all obligations, liens and judgments in favor of the Unemployment Compensation Commission of North Carolina shall inure to and be vested in the Employment Security Commission of North Carolina; and that the Employment Security Commission of North Carolina is authorized and empowered to enforce and collect any and all obligations, liens and judgments due the present Unemployment Compensation Commission of North Carolina; and that the Employment Security Commission is authorized to continue to use any and all printed forms bearing the name of the Unemployment Compensation Commission or the Unemployment Compensation Commission of North Carolina, including warrants or vouchers against the State Treasurer, until the present supply of such printed forms and/or warrants or vouchers is exhausted; and the State Treasurer and State Auditor are hereby authorized, empowered and directed to honor any and all such warrants or vouchers as well as any and all warrants or vouchers bearing the name of the Employment Security Commission of North Carolina.

Use of existing printed forms.

State Auditor directed to honor warrants or vouchers of E. S. C.

Transfer of U. C. C. records and property to E. S. C.

SEC. 4. All records, files and property of the Unemployment Compensation Commission of North Carolina are hereby transferred and made available to the Employment Security Commission of North Carolina. All unexpended balances of any

Transfer of funds.

appropriation or other funds of the Unemployment Compensation Commission of North Carolina are hereby transferred to the appropriate fund of the Employment Security Commission of North Carolina and made available to the Employment Security Commission of North Carolina.

G. S. § 96-8, as amended, further amended.

SEC. 5. That Article 2, Section 96-8, Chapter 96, General Statutes of North Carolina, as amended, and particularly as amended by the Session Laws of 1947, be and the same is hereby amended by adding a new Subsection designated as Subsection (v) as follows:

Definition of Employment Security Law.

"(v) The words "Employment Security Law" as used in this Chapter means any law enacted by this State or any other state or territory or by the Federal Government providing for the payment of unemployment compensation benefits."

G. S. § 96-4(k), as amended, further amended.

SEC. 6. That Article 1, Section 96-4, Subsection (k), Chapter 96, General Statutes of North Carolina, as amended, be and the same is hereby amended by adding thereto another unnumbered paragraph as follows:

Cooperation by Commission to oppose complete federalization of unemployment compensation funds or program.

"The commission shall fully cooperate with the agencies of other states and shall make every proper effort within its means to oppose and prevent any further action which would, in its judgment, tend to effect complete or substantial federalization of State unemployment compensation funds or State employment security programs."

G. S. § 96-4 (l) (1), amended, as to reciprocal arrangements for unemployment compensation.

SEC. 7. That Article 1, Section 96-4, Subsection (l), Paragraph (1), Chapter 96, General Statutes of North Carolina, as amended, be and the same is hereby amended by adding thereto an additional subparagraph number (H) as follows:

Combination of wages earned in two or more states.

"(H) Wages earned by an individual in covered employment in more than one state which is less than the eligibility requirements of either of such states may be combined and constitute the basis for the payment of benefits through a single and appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund; *provided,* that any benefits paid under the provisions of this subparagraph shall not be charged to the reserve account of any employer as provided in Section 96-9, Subsection (c) (2) of this Chapter, but shall be charged to the partially pooled account; *provided further,* that any such wages or services shall be deemed to be within the provisions of subparagraph (C) of this Subsection."

Benefits charged to partially pooled account.

SEC. 8. That Article 2, Section 96-8, Subsection (m), Chapter 96, General Statutes of North Carolina, as amended, be and the same is hereby amended by striking out the period at the end of such Subsection and adding thereto the following: G. S. § 96-8 (m), as amended, further amended as to meaning of "wages."

": *Provided,* that wages shall not include, and no contributions shall be paid on that part of wages earned by an individual in this State, which, when added to wages previously earned by such individual in another state or states, exceeds the sum of three thousand dollars ($3,000.00), and the employer has paid contributions to such other state or states on the wages earned therein by such individual during the calendar year applicable. This provision shall be applicable only to wages earned by such individual in the employ of one and the same employer."

SEC. 9. That Article 2, Section 96-10, Subsection (b), Chapter 96, General Statutes of North Carolina, as amended, be and the same is hereby amended by striking out the following in the sixth sentence thereof: G. S. § 96-10 (b), amended, as to bond of Commission's agent executing judgment for contributions.

"two thousand dollars ($2,000.00)"

And inserting in lieu thereof the following:
"three thousand dollars ($3,000.00)"

SEC. 10. That Article 2, Section 96-14, Subsection (g), Chapter 96, General Statutes of North Carolina, as amended, be and the same is hereby amended by striking out the word "or" in line three following the word "have" and before the word "assert" and inserting in lieu thereof the following: G. S. § 96-14 (g), amended as to disqualification for benefits.

"and"

SEC. 11. Amend House Bill No. 127, known as "A Bill to be Entitled an Act to Amend Chapter 96, General Statutes of North Carolina, 1943, known as the Unemployment Compensation Law," which was passed by the 1947 General Assembly, by striking out Section 2 and Section 16 of said bill. Ch. 326, Session Laws, 1947, amended, omitting Secs. 2 and 16.

SEC. 12. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 13. That this Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 321 **CHAPTER 599**

AN ACT TO AMEND CHAPTER 84 OF THE SESSION LAWS OF 1945 RELATING TO THE SALARY AND TRAVEL EXPENSES OF THE SHERIFF OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Ch. 84, Session Laws, 1945, amended.

SECTION 1. That Section 1 of Chapter 84 of the Session Laws of 1945, be, and the same is hereby, amended by striking out the period following the words "forty-five" in line four of said Section and substituting a colon therefor and adding the following:

Authority of Commissioners, Halifax County, to increase Salary of Sheriff.

Provided, that the Board of County Commissioners of Halifax County may, in their discretion, in addition to the salary herein provided for, on and after March 1st, 1947, increase the salary of the said sheriff in an amount not to exceed six hundred dollars ($600.00) per annum.

Ch. 84, amended further.

SEC. 2. That Section 2 of Chapter 84 of the Session Laws of 1945 be, and the same is hereby, amended to read as follows:

Authority to pay travel expenses of Sheriff.

Sec. 2. That the Board of County Commissioners of Halifax County, in their discretion, are hereby authorized and empowered to pay to the sheriff of said county, out of the general funds and in addition to the salary provided in Section 1 of this Act, such amount monthly, not to exceed the sum of six hundred dollars ($600.00) per annum, as in their judgment may be necessary and proper to cover travel expenses incurred by said sheriff in the discharge of his duties.

Limitation.

Legislative intent as to authority of Halifax County Commissioners to increase salaries of Register of Deeds, C. S. C., and Sheriff.

SEC. 3. It is the intent of this Act, as well as the intent of the 1947 amendment to Section 1 of Chapter 171 of the Public-Local Laws of 1941, to authorize the Board of Commissioners of Halifax County, in their discretion, to increase the salaries of the Register of Deeds, the Clerk of the Superior Court and the Sheriff of Halifax County from their present salaries of thirty-six hundred dollars ($3,600.00) per annum, by an amount not to exceed six hundred dollars ($600.00) per annum, which said increase of six hundred dollars ($600.00) is in the discretion of the board of commissioners of said county; that when said salaries have been increased by said Board of Commissioners of Halifax County, which shall be in an equal amount applicable to all of said officers, then the said Board of Commissioners of Halifax County shall thereafter have the power, in their discretion, to decrease the salaries of all three of said officers to not less than thirty-six hundred dollars ($3,600.00) per annum, upon condition only that the decrease in said salaries shall apply equally to all three officers, herein above described.

Power to decrease salaries.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 322 **CHAPTER 600**

AN ACT TO AMEND CHAPTER 190 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE SALARIES OF THE JUDGE AND SOLICITOR OF THE RECORDER'S COURT OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 190 of the Public-Local Laws of 1941 be, and the same is hereby, amended by striking out the period following the word "monthly" in line three of said Section and substituting a colon therefor and adding the following: Ch. 190, Public-Local Laws, 1941, amended.

Provided, that the Board of County Commissioners of Halifax County may, in their discretion, in addition to the salary herein provided for, on and after March 1st, 1947, increase the salary of the Judge of the Recorder's Court of Halifax County in an amount not to exceed six hundred dollars ($600.00) per annum. Authority for increase of salary of Judge of Recorder's Court, Halifax County.

SEC. 2. That Section 2 of Chapter 190 of the Public-Local Laws of 1941 be, and the same is hereby, amended by striking out the period following the word "monthly" in line three of said Section and substituting a colon therefor and adding the following: Ch. 190 amended further.

Provided, that the Board of County Commissioners of Halifax County may, in their discretion, in addition to the salary herein provided for, on and after March 1st, 1947, increase the salary of the Solicitor of the Recorder's Court of Halifax County in an amount not to exceed six hundred dollars ($600.00) per annum. Authority for increase of salary of Solicitor of Recorder's Court.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall become effective as of the first day of March, 1947. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 326 **CHAPTER 601**

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WINSTON-SALEM TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Provision for election on issue of adoption of city manager form of government, Winston-Salem.

SECTION 1. That after the ratification of this Act, the Board of Aldermen of the City of Winston-Salem may call an election at which there shall be submitted for determination by the qualified voters of the City of Winston-Salem voting in such election the question of the adoption of a form of government for the City of Winston-Salem known as "Plan D" as defined by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council, and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as amended by this Act, for the City of Winston-Salem in lieu of its present form of government.

Conduct of election.

SEC. 2. That the said election shall be called and conducted and the result thereof determined and declared by the Board of Aldermen of the City of Winston-Salem as is now provided by law for the election of the Mayor and Members of the Board of Aldermen of the City of Winston-Salem, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Aldermen of the City of Winston-Salem. At such election ballots shall be provided for the voters containing the words "For Plan D City Government, with Mayor, Board of Aldermen and City Manager", and "Against Plan D City Government, with Mayor, Board of Aldermen and City Manager." If a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the City of Winston-Salem from and after the next succeeding first day of July and the municipal year shall begin on that date.

Form of ballots.

Effective date of new form, upon majority favorable vote.

Effect upon government of city upon adoption of new form.

SEC. 3. If said "Plan D" is adopted at such election, the government of the City of Winston-Salem and the general management and control of all its affairs shall be vested in a board of aldermen and mayor, elected as provided by the charter of the City of Winston-Salem. Thereafter the mayor and board of aldermen shall have and exercise all the powers and duties now or hereafter conferred upon them by the charter of the City of Winston-Salem, the general ordinance of the City of Winston-

Salem and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent herewith. The Board of Aldermen of the City of Winston-Salem shall constitute its governing body and in the conduct of said "Plan D" government for the city of Winston-Salem, the board of aldermen shall have and exercise all such powers and duties, not inconsistent herewith, as are now conferred upon the board of aldermen by the charter of the City of Winston-Salem, and its general ordinances and any amendment thereto.

Appointment of city manager.

SEC. 4. That in the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the board of aldermen shall appoint a city manager, who shall be the administrative head of the city government and who shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only and he need not be a resident of the City of Winston-Salem when appointed. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.

Term.

Compensation.

SEC. 5. The city manager shall:

Functions of city manager.

(1) be the administrative head of the city government;

(2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the board of aldermen are faithfully executed;

(3) attend, at the request of the board of aldermen, all meetings of the board of aldermen and recommend for adoption such measures as he may deem expedient;

(4) make reports to the board of aldermen from time to time upon the affairs of the city and keep the board of aldermen fully advised of the city's financial condition and its future financial needs;

(5) appoint and remove all employees of the city, not including, however, the heads of departments, members of committees and commissions, and any and all other city officials now appointed by the board of aldermen in conformity with the charter and present ordinances of the city.

Department heads, commission members and certain other officials, named by aldermen.

All heads of departments, members of committees and commissions, and any and all other city officials now appointed by the board of aldermen shall continue to be appointed in such manner. Every appointment and removal made by the city manager shall be reported to the board of aldermen at the next meeting thereof following any such appointment or removal.

Report of appointments and removals by city manager.

Control over pay and duties of city officers and employes.

The salaries and compensation of the officers and employees of the city shall be fixed by the board of aldermen and they shall perform such duties as may be required of them by the city manager, under general regulations of the board of aldermen and the general law.

Legislative powers of City and Board of Aldermen not abridged by Act or adoption of new form.

SEC. 6. That in the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the legislative powers of the City of Winston-Salem or of its board of aldermen shall be abridged or impaired by this Act or by the adoption of said "Plan D" government for the City of Winston-Salem, and all such legislative powers shall continue to be possessed and exercised by the Board of Aldermen of the City Winston-Salem.

Ordinances, etc., continued in force.

In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Winston-Salem or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Election of Mayor and Aldermen under new form.

SEC. 7. In the event said "Plan D" is adopted at such election, as amended by this Act, the board of aldermen shall continue to be the governing body of the City of Winston-Salem and the mayor and members of the board of aldermen shall be elected as now provided by the charter of the City of Winston-Salem and any amendments thereto, and the meetings of the board of aldermen and the business of the board of aldermen shall be held and transacted in accordance with the charter and general ordinances of the City of Winston-Salem now in force or hereafter amended.

Meetings.

Filling vacancies among officials; salaries, etc.

Vacancies among any of the officials of the City of Winston-Salem, the salaries paid to any such officials, the designation and election of such officials shall all be filled, regulated and controlled in conformity with the charter and ordinances of the City of Winston-Salem now in force or hereafter amended, except as modified or changed by the terms of this Act.

Ch. 108, Private Laws, 1931, amended.

SEC. 8. Chapter 108 of the Private Laws of the State of North Carolina for the year 1931, as contained in the printed volume of the Public-Local and Private Laws of North Carolina for the Session 1931, entitled "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM," is hereby amended in the following respects:

Miscellaneous provisions to make City Charter conform with new form of government.

(1) In the 22nd line the word "three" between the words "among" and "separate" is hereby stricken out and the word "two" is inserted in lieu thereof.

(2) In the 24th line of said Chapter the following words are stricken out, "and (3) Public Safety."

(3) In line 26, insert a period after the word "Works" and strike the remainder of said sentence reading as follows: "and a Commissioner of Public Safety".

(4) In line 28, strike the word "three" and insert in lieu thereof the word "two".

(5) In line 32 and next to the last word thereof, strike out the words "either of", and in line 33 thereof strike the "s" from the word "Commissioners" and insert a period after the amended word "Commissioner", and strike all the remaining words of said Section 1 of Chapter 108 of the Private Laws of 1931 reading as follows: "or to the mayor who shall then ex-officio perform such delegated powers and duties."

(6) Amend the second paragraph of Section 2 of said Chapter 108 by striking out the semicolon after the word "annum" in the third line thereof and insert a period in lieu thereof, and then strike all the balance of said paragraph reading as follows: "*Provided*, that in case the Board of Aldermen shall assign the duties of Commissioner of Public Works or Commissioner of Public Safety to the Office of Mayor then the Board may fix the salary of the Mayor's office at such an amount as it may deem fair and just compensation in consideration of his full time services."

(7) The provisions of this Section of the Act shall not become effective unless and until the said "Plan D" form of government is adopted for the City of Winston-Salem and becomes effective.

Provisions of this Section effective only if and when new form adopted and effective.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 328 **CHAPTER 602**

AN ACT TO EXTEND THE POLICE POWER OF THE TOWN OF OAKBORO IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the police power of the Town of Oakboro in Stanly County be and it is hereby extended to embrace all territory within a radius of two (2) miles of the corporate limits of said town, and the police officers of said town are

Police power of Town of Oakboro, extended.

authorized and empowered to make arrests, serve warrants and other process within said territory.

SEC. 2. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 332 **CHAPTER 603**

AN ACT TO PROVIDE A SALARY INCREASE FOR THE PERMANENT EMPLOYEES OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Salary increase for permanent employees of Columbus County.

SECTION 1. The annual salary or wage of each permanent employee of Columbus County, whether said salary or wage is fixed by the Board of Commissioners of Columbus County, or by legislative enactment, or otherwise, is hereby increased ten per centum (10%) per annum. From and after April 1st, 1947, all payments of salaries or wages to permanent employees of Columbus County, whether paid on a daily, weekly, monthly, or yearly basis, shall contain, in addition to the salary or wage now being paid, the proportionate part (according to method or time of payment) of the salary or wage increase herein provided for: *Provided,* that nothing in this Act shall apply to employees of the Health or Welfare Departments of Columbus County.

Act not applicable to employees of Health or Welfare Departments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after April 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 359 **CHAPTER 604**

AN ACT AUTHORIZING THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF SPENCER TO SELL AT PRIVATE SALE A CERTAIN LOT LOCATED ON THE CORNER OF FOURTH STREET AND YADKIN AVENUE TO THE SPENCER MASONIC LODGE NO. 543, OF SPENCER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town of Spencer authorized to sell certain lot to Masonic Lodge No. 543.

SECTION 1. The Mayor and Board of Aldermen of the Town of Spencer may, in their discretion, sell to the Masonic Lodge No. 543 of the Town of Spencer a lot owned by the Town of Spencer, located on the corner of Fourth Street and Yadkin Avenue, and being approximately fifty feet by one hundred feet.

Private sale authorized.

SEC. 2. The Mayor and Board of Aldermen of the Town of Spencer are given authority, in their discretion, to sell the property mentioned in Section 1 of this Act at private sale to the Masonic Lodge No. 543, without the necessity of advertising any notice of conveyance or sale in the newspapers or otherwise.

Conflicting laws repealed.

Ch. 352, Session Laws, 1945, repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Chapter 352 of the Session Laws of 1945 is hereby specifically repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 369 **CHAPTER 605**

AN ACT TO VALIDATE THE RECORDATION OF CERTAIN MAPS IN THE OFFICE OF THE REGISTER OF DEEDS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Recordation of certain maps in Office of Register of Deeds, Brunswick County, validated.

SECTION 1. Notwithstanding any defect or omission in connection therewith, including specifically any defect or lack of acknowledgment by any surveyor or engineer, or the omission of any official order authorizing the same, the recordation of all maps or plats heretofore entered in Book of Maps No. 1 or Book of Maps No. 2 in the Office of the Register of Deeds of Brunswick County is hereby validated and confirmed, and declared to be as valid and binding in all respects and for all pur-

poses as if such original recordation had been in full compliance with the statutory provisions governing such recordation.

Pending litigation not affected.

SEC. 2. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 380 CHAPTER 606

AN ACT TO AMEND CHAPTER 430 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1899, RELATING TO THE CHARTER OF THE CONCORD GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Sec. 1, as amended; Sec. 6; Ch. 430, Public Laws, 1899, repealed, as to election and term, school commissioners, Concord.

SECTION 1. Section 1 and amendments thereto, and Section 6 of Chapter 430 of the Private Laws of North Carolina, Session 1899, are hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 381 CHAPTER 607

AN ACT TO AMEND CHAPTER 285 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1891, RELATING TO GRADED SCHOOLS IN CONCORD, CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Sec. 4, Ch. 285, Private Laws, 1891, repealed.

SECTION 1. Section 4 of Chapter 285 of the Private Laws of North Carolina, Session 1891, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 382 **CHAPTER 608**

AN ACT TO AMEND CHAPTER 124 OF THE PRIVATE LAWS OF NORTH CAROLINA SESSION 1923, AUTHORIZING THE CITY OF CONCORD TO OPERATE OR LEASE A STREET RAILWAY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 124, Private Laws of North Carolina, Session 1923 authorizing the City of Concord, to operate or lease a street railway, with all Subsections is hereby repealed.

Ch. 124, Private Laws, 1923, as to operation, lease of street railway, Concord, repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 66 **CHAPTER 609**

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 110 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE INTERSTATE TRANSFER OF CHILDREN.

The General Assembly of North Carolina do enact:

SECTION 1. Section 110-50 of the General Statutes is hereby amended to read as follows:

G. S. § 110-50, amended.

Section 110-50. Consent required for bringing child into State for placement or adoption.

Bringing child to State for adoption or placement without consent State Board of Public Welfare, prohibited.

(a) No person, agency, association, institution, or corporation shall bring or send into the State any child for the purpose of giving his custody to some person in the State or procuring his adoption by some person in the State without first obtaining the written consent of the State Board of Public Welfare.

Responsibility for care and training of child brought into State.

(b) The person with whom a child is placed for either of the purposes set out in Subsection (a) of this Section shall be

responsible for his proper care and training. The board or its agents shall have the same right of visitation and supervision of the child and the home in which it is placed as in the case of a child placed by the board or its agents as long as the child shall remain within the State and until he shall have reached the age of eighteen years or shall have been legally adopted.

Supervision of Welfare Board.

G. S. § 110-51, amended.

SEC. 2. Section 110-51 of the General Statutes is hereby amended by striking out the first sentence thereof and substituting in lieu thereof the following:

Welfare Board authorized to require bond of person bringing child into State under G. S. § 110-50.

The State Board of Public Welfare may, in its discretion, require of a person, agency, association, institution, or corporation which brings or sends a child into the State with the written consent of the board, as provided by Section 110-50, a continuing bond in a penal sum not in excess of one thousand dollars ($1,000.00) with such conditions as may be prescribed and such sureties as may be approved by the State Board of Public Welfare.

G. S. § 110-52, amended.

SEC. 3. Section 110-52 of the General Statutes is hereby amended to read as follows:

Consent of State Welfare Board required for removing child from State for placement in foster home.

Section 110-52. Consent required for removing child from State. No child shall be taken or sent out of the State for the purpose of placing him in a foster home or in a childcaring institution without first obtaining the written consent of the State Board of Public Welfare. The foster home or childcaring institution in which the child is placed shall report to the board at such times as the board may direct as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted.

Reports by foster home.

G. S. § 110-53, repealed.

SEC. 4. Section 110-53 of the General Statutes is hereby repealed.

G. S., Ch. 110, Art. 4, amended.

SEC. 5. Article 4 of Chapter 110 of the General Statutes is hereby amended by adding thereto a new Section as follows:

Application of Article.

Section 110-57. Application of article. None of the provisions of this Article shall apply when a child is brought into or sent into, or taken out of, or sent out of the State, by the guardian of the person of such child, or by a parent, step-parent, grandparent, uncle or aunt of such child, or by a brother, sister, half-brother, or half-sister of such child, if such brother, sister, half-brother, or half-sister is twenty-one years of age or older.

Effective date.

SEC. 6. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 72 **CHAPTER 610**

AN ACT TO AUTHORIZE THE TREASURER OF THE STATE OF NORTH CAROLINA TO PAY CERTAIN BONDS AT THE EXCHANGE RATE ACCORDING TO CHAPTER 98 OF THE PUBLIC LAWS OF 1879.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the State of North Carolina is hereby authorized and empowered to pay off and discharge all bonds of the State of North Carolina that may be presented to him as referred to and described in Chapter 98 of the Public Laws of 1879, such payment and discharge of said bonds to be in such amounts as are fixed by the rate of exchange of said bonds according to the provisions of Chapter 98 of the Public Laws of 1879.

State Treasurer empowered to pay certain bonds upon presentation.

Amounts as fixed by Ch. 98, Public Laws, 1879.

SEC. 2. That there is hereby appropriated whatever sum may be necessary to pay off, discharge and retire the bonds of the State mentioned in Section 1 of this Act from the general funds of the State which shall be in addition to any other funds heretofore appropriated.

Appropriation for discharge of said bonds.

SEC. 3. That all bonds of the State heretofore paid off and discharged by the Treasurer of the State of North Carolina at the exchange rates provided in Chapter 98 of the Public Laws of 1879 are hereby validated and approved as to payment.

Bonds previously discharged by Treasurer, payments validated.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 284 **CHAPTER 611**

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 87 OF THE GENERAL STATUTES RELATING TO GENERAL CONTRACTORS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 87-4 of the General Statutes is hereby amended by striking out the words and figures "thirty-six hundred dollars ($3,600.00)" in the last sentence and inserting in

G. S. § 87-4, amended as to salary of secretary-treasurer, Licensing Board for Contractors.

lieu thereof the words and figures "forty-eight hundred dollars ($4,800.00)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective from and after the date of ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 407 CHAPTER 612

AN ACT TO GIVE APPROVAL TO THE COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE 15c LIMITATION SET OUT IN ARTICLE V, SECTION 6, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Special tax levy for salaries of farm and home agents; expenses; Cleveland County.

SECTION 1. That the Board of County Commissioners of Cleveland County is hereby authorized and empowered to levy a tax not to exceed five cents (5c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section 6, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county farm agent, assistant county farm agent, home demonstration agent, and the expenses of operating said offices.

Special tax levy for salaries of County Accountant, assistants, and office expenses.

SEC. 2. That the Board of County Commissioners of Cleveland County is hereby authorized and empowered to levy a tax not to exceed three cents (3c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section 6, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county accountant and clerical assistance, supplies and expenses of operating said office.

Partial invalidity provision.

SEC. 3. That if any Section, or part of any Section of this Act is declared to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 462 **CHAPTER 613**

AN ACT TO PROVIDE FOR THE ESCHEAT OF UNCLAIMED STOCKHOLDERS' SHARES OF MONEY OR OTHER PROPERTY OF DISSOLVED CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 55-132 of the General Statutes of North Carolina is hereby amended by adding at the end thereof an unnumbered paragraph reading as follows: G. S. § 55-132, amended.

Where a corporation is dissolved in any manner and six months shall have elapsed after the expiration of its corporate existence as continued by or pursuant to the foregoing provisions of this Section for the purposes therein expressed, and any share of any stockholder of any money or other property in any division of money or other property among the stockholders of such corporation shall then remain in the hands of the directors of such corporation, such share shall escheat to the University of North Carolina to be held without liability for profit or interest until a just claim therefor shall be preferred by the party or parties entitled thereto. The provisions hereof shall apply to any corporation heretofore dissolved as well as to corporations hereafter dissolved. Escheat of certain unclaimed shares, money, or other property of dissolved corporations, to U. N. C. Retroactive and prospective effect.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 463 **CHAPTER 614**

AN ACT TO PROVIDE FOR THE REFUND OF ESCHEAT FUNDS AT ANY TIME SAME ARE CLAIMED AND TO AMEND THE EXISTING PROVISIONS OF THE ESCHEAT LAWS OF THE STATE WITH REFERENCE THERETO AND TO PROVIDE FOR THE USE OF THE INCOME FROM SAID FUNDS.

The General Assembly of North Carolina do enact:

G. S. § 116-25, amended as to escheat of bank liquidation funds and other unclaimed funds.

SECTION 1. That G. S. Section 116-25 be amended by striking out the word "now" in the first line of the third unnumbered paragraph of said Section, and by striking out the word "now" in the first line of the fourth unnumbered paragraph of said Section; and be further amended by striking out the semicolon in the fifth unnumbered paragraph following the words "parties entitled thereto" and substituting a period for said semicolon, and by striking out the balance of said paragraph reading as follows: "and if no such claim shall be preferred within ten years after such moneys, claims or property shall be received by it, then the same shall be held by it absolutely."

Limitation of time for making claims against U. N. C. escheat fund, stricken out.

G. S. § 116-23, amended, striking out limitation of time for certain claims against U. N. C. escheat fund.

SEC. 2. That G. S. 116-23 be, and the same hereby is, amended by changing the semicolon following the words "by the parties entitled thereto" to a period and by striking out that part of said Section reading as follows: "and if no such claim shall be preferred within ten years after such property or dividend shall be received by it, then the same shall be held by it absolutely."

G. S. § 116-22, amended, striking out limitation of time for certain claims against U. N. C. escheat fund.

Amend G. S. 116-22 by striking out the semicolon following the words "or others entitled thereto" and substituting a period therefor; and by striking out the balance of said Section reading as follows: "and if no such claim shall be preferred within ten years after such money or other estate be received by such corporation, then the same shall be held by it absolutely."

G. S. § 116-24, amended, striking out limitation of time for certain claims against U. N. C. escheat fund.

SEC. 3. That G. S. 116-24 be, and the same hereby is, amended by striking out the semicolon following the words "by the parties entitled thereto" and substituting a period therefor, and by striking out the language following said semicolon, as follows: "and if no such claim shall be preferred within ten years after such deposits shall be received by it, then the same shall be held by it absolutely."

G. S. § 116-24, further amended.

That said Section be further amended by adding at the end of said Section, as hereby amended, the following:

Upon receipt of such funds, the University of North Carolina shall cause to be posted and keep posted for thirty days at the courthouse door of the county in which such bank is located, a notice giving the names of the persons in whose name or names such deposits were made in said bank, the amount thereof, and the last known address of such person, and the bank paying over said funds to the University of North Carolina shall furnish such information to be used in giving said notice. If any person at any time thereafter shall appear and show that he is the identical person to whom such funds are due, the University of North Carolina shall pay the same in full to such person, but without any liability for interest or profits thereon.

Posting of notice by U. N. C., required as to bank deposits received under escheat law.

Contents of notice.

Payment of claims to lawful owner.

SEC. 4. That G. S. 116-26 be, and the same hereby is, repealed and reenacted to read as follows:

G. S. § 116-26, rewritten.

116-26. Application of receipts. All receipts heretofore had or hereafter to be had from escheated property or derelict property, and all interest and earnings thereon, shall be set apart by the Trustees of the University so that the interest and earnings from said fund shall be used for maintenance and/or for scholarships and loan funds to worthy and needy students, residents of this State, attending the University of North Carolina, under such rules and regulations as shall be adopted by the Board of Trustees of the University with regard thereto.

Use of funds from escheats and derelict property.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 540 CHAPTER 615

AN ACT TO PROVIDE FOR THE REGULATION AND CONDUCT OF MUNICIPAL ELECTIONS IN THE CITY OF LENOIR IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The provisions of Section 160-30 through 160-51 of the General Statutes shall be applicable to all municipal elections held in the City of Lenoir in Caldwell County, except primary elections.

Application of G. S. §§ 160-30 through 160-51, to elections in City of Lenoir.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws, public, public-local, and private in conflict with the provisions of this Act, and Section 160-29 of the General Statutes insofar as it relates to the City of Lenoir in Caldwell County, are hereby repealed. *Provided*, that Chapter No. 68 of the Private Laws of the Session of 1935, relating to primary elections, is specifically exempted from the provisions of this Act, and is not to be repealed, modified or amended, but is to remain in full force and effect.

Ch. 68, Private Laws, 1935, not repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 547 **CHAPTER 616**

AN ACT TO INCREASE THE JURISDICTION OF THE MAYOR'S COURT OF THE TOWN OF JEFFERSON, IN ASHE COUNTY, NORTH CAROLINA, AND TO AUTHORIZE THE GOVERNING BODY OF SAID TOWN TO PRESCRIBE A SCHEDULE OF FEES THEREFOR.

The General Assembly of North Carolina do enact:

Jurisdiction of Mayor's Court, Town of Jefferson, enlarged.

SECTION 1. The Mayor of the Town of Jefferson, Ashe County, North Carolina, in addition to the jurisdiction now conferred upon him by virtue of Section 160-13 and Section 160-14 of the General Statutes of North Carolina, shall have the following jurisdiction within the corporate limits of said town:

Jurisdiction as to offenses within jurisdiction of justices of peace.

A. Original, exclusive and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the said town which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses of which the mayor now has jurisdiction.

Jurisdiction of other offences below grade of felony.

B. Exclusive, original jurisdiction of all other criminal offenses committed within the corporate limits of the said town which are below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors.

Jurisdiction to hear and bind defendants over to Superior Court.

C. Concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime committed within the limits of said town, of which the mayor's court is not herein given final jurisdiction.

D. All authority given by the general laws of the State to justices of the peace, and to the Superior Court, to punish for contempt and to issue writs ad testificandum and other process to require the attendance of witnesses and to enforce the orders and judgments of the court.

Power to punish for contempt; to issue writs and testificandum; to enforce orders.

SEC. 2. The court shall have a seal with the impression "The Mayor's Court of the Town of Jefferson," which seal shall be used in the testation of writs, warrants, or other process, acts, judgments, or decrees of the court, in the same manner and to the same effect as the seal of other courts in the State; but no process issued from the court to be executed within the County of Ashe shall require attestation by seal.

Seal of Court.

Use of seal.

SEC. 3. The governing board of the Town of Jefferson is hereby authorized, in its discretion, to appoint a judge of the mayor's court who shall have power to perform and to act in the absence of said mayor from the court for any cause, and, upon appointment the said judge shall serve for a term of two years and until his successor is elected and qualified. The governing body of the said town is authorized to appoint a prosecuting attorney of said court, who shall serve for a period of two years and until his successor is appointed and qualified. The salaries of the mayor, and the judge, and the prosecutor, and the clerk of said court shall be determined and fixed in advance by the governing body of the town, and shall not be decreased during their term of office, such salaries to be paid out of the general fund of the town.

Appointment of judge of Mayor's Court to act in absence of mayor.

Term.

Prosecuting Attorney.

Term.

Salaries of mayor, judge, prosecutor.

The governing body of the said town has authority to appoint a clerk of the mayor's court at the same time and for the same term of office as that of the judge and the prosecutor herein provided for. Before entering upon the duties of their respective offices the judge, the prosecutor, and the clerk shall each take and subscribe an oath of office provided for by the general laws of this State for such officers of other courts of the State.

Appointment of clerk of Mayor's Court; term.

Oath

SEC. 4. The governing body of the Town of Jefferson is hereby authorized to provide a schedule of fees to be charged in the transaction of the business of the court.

Provision for schedule of fees.

SEC. 5. Before entering upon the duties of his office, the clerk shall enter into a bond, with sufficient security, in a sum to be fixed by the governing body of the said Town, not to exceed five thousand dollars ($5,000.00), payable to the State, conditioned upon the true and faithful performance of his duties as such clerk and for his faithful accounting for all moneys which shall come into his hands by virtue of his office. The bond shall

Bond of clerk of Mayor's Court.

be approved by the governing body of the town and shall be filed in the Office of the Clerk of the Superior Court of Ashe County. The clerk shall make monthly settlement with the county and city treasurer for all moneys which may come into his hands by virtue of his office. The Town Clerk of the Town of Jefferson may be appointed by the board to serve as ex officio clerk of the mayor's court unless the governing body shall appoint some other person to discharge such duties.

Monthly settlement with county and city treasurer.

Appointment of Town Clerk as clerk of Mayor's Court authorized.

Duties of clerk of Mayor's Court.

SEC. 6. It shall be the duty of the clerk of the court to keep an accurate and true record of all costs, fees, penalties, forfeitures, and punishments imposed by the court, and the record shall show the name and residence of the offender, the nature of the offense, the date of all trials, and the punishment imposed, which record shall at all times be open to inspection by the city authorities, or other persons entitled thereto. The clerk shall keep a permanent docket for recording all the processes issued by the court, which shall conform to the dockets kept by the Clerk of the Superior Court. He shall also keep in proper files, to be provided by the town, a record of all cases which shall be disposed of in the court and the disposition made thereof.

Power of clerk to issue warrants.

The clerk of the court shall have all the power and authority now conferred upon justices of the peace to issue warrants for the arrest of all persons charged with the commission of offenses within the town limits of the Town of Jefferson, which warrants shall be made returnable before the mayor or the judge of said court at the next sitting thereof, and shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace. The clerk shall also have all power and authority of justices of the peace or Clerks of the Superior Court to issue subpoenas or other process, to run anywhere within the State.

Power to issue subpoenas and other process.

Criminal cases in jurisdiction of Mayor's Court, not removable.

SEC. 7. No criminal case in which the Mayor's Court of the Town of Jefferson has jurisdiction may be removed to another court for trial or preliminary hearing as is now allowed in courts of justices of the peace.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 557 **CHAPTER 617**

AN ACT TO AMEND CHAPTER 198 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1939, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON RELATING TO ITS CORPORATE LIMITS."

The General Assembly of North Carolina do enact:

Ch. 198, Public-Local Laws, 1939, amended as to corporate limits, Lumberton.

SECTION 1. That Chapter 198, of the Public-Local and Private Laws of North Carolina, Session of 1939, be amended by striking out that portion of Section 1 of said Chapter relating to the boundaries of the Town of Lumberton, and designated as "Sec. 2", and by further striking out that portion of Section 1 of said Chapter relating to the official map of the Town of Lumberton, and designated as "Sec. 3", and substituting in lieu thereof the following:

Corporate limits, City of Lumberton, defined.

SEC. 2. The corporate limits and boundaries of the City of Lumberton shall be as follows, to-wit:

Beginning at a point in the center line of Elm Street, said point being North 4 degrees 15 minutes East 4887 feet from the stone monument at the intersection of the center lines of Elm and Sixth Streets, and runs thence South 85 degrees 45 minutes East 2721 feet to an iron stake in Second Avenue in the New Liberia subdivision; thence South 36 degrees 26 minutes East along Second Avenue and beyond, crossing the Elizabethtown Road 2100 feet to an iron stake on the southeast side of the Elizabethtown Road; thence South 4 degrees 15 minutes East about 400 feet to a stake in a road, in Mrs. Margaret F. McLean's line; thence about South 54 degrees 30 minutes with said road and beyond, with Mrs. McLean's line about 1340 feet to the McLean-McNeill corner; thence with the McLean-McNeill line South 22 degrees 54 minutes West about 1630 feet to a stake, said stake being 400 feet North of the center of 7th Street; thence South 85 degrees 45 minutes East parallel with, and 400 feet North of the center line of 7th Street about 1875 feet to a stake; thence South 23 degrees West to and with the canal or ditch (the east line of the W. W. Davis, Jr. property) and crossing U. S. Highway No. 74 (Whiteville Road) about 2640 feet to the main canal; thence South 77 degrees West with said main canal 660 feet; thence about North 85 degrees 30 minutes West leaving said canal and crossing the Mill Road about 440 feet to an iron stake on the west side of the Mill Road, corner of the Cutlar Moore subdivision; thence North 82 degrees 09 minutes West 577.3 feet to an iron stake, corner of the Moore subdivision; thence South 58 degrees 15 minutes

West 1357.74 feet to the center of the S. A. L. Railroad; thence South 37 degrees 40 minutes West to and with a canal or ditch, 799.3 feet to an iron stake; thence South 4 degrees 15 minutes West 221.1 feet to an iron stake; thence South 50 degrees 49 minutes East 162.4 feet to an iron stake in concrete; thence South 4 degrees 34 minutes East 506.2 feet to an iron stake in concrete; thence South 57 degrees 49 minutes West crossing old N. C. Highway No. 20, 597.3 feet to an iron stake on the east bank of Lumber River, pine, red oak, sweet gum witnesses, said iron stake being about 264 feet upstream from the iron bridge on old N. C. Highway No. 20, and the southwest corner of the Mansfield Mills property; thence up the east and northeast bank of Lumber River about three-fourths (¾) of a mile to a point opposite the mouth of the Gum Branch Canal; thence crossing Lumber River to the mouth of the Gum Branch Canal and up said canal, crossing the Lovett Road and the Fairmont Road (N. C. Highway No. 41), in a westerly direction about 4900 feet to a point, said point being 1155 feet West of the Fairmont Road; thence North 35 degrees 45 minutes East, parallel with the Fairmont Road, about 2130 feet to the south line of Side Street in the Knuckles Park subdivision; thence North 64 degrees 25 minutes West along the south line of Side Street, crossing the Biggs Road about 1150 feet to a point 215 feet from the center of said Biggs Road (the 215 feet being measured right angles to the Biggs Road); thence North 70 degrees 35 minutes East, parallel with and 215 feet from the center of the Biggs Road, about 1850 feet to a point in the east line of R. H. Nye and the west line of the Campbell subdivision; thence North 5 degrees 47 minutes East with the Nye-Campbell line about 870 feet to an iron stake, corner of the Timbuktu subdivision; thence North 5 degrees 02 minutes East with the Nye-Timbucktu line 722.7 feet to a stone monument in the south right of way line of the S. A. L. Railroad, said monument being 100 feet from the center line of said railroad, corner of R. H. Nye and the Timbuktu subdivision; thence South 64 degrees 19 minutes East along said right of way line 402 feet to a point in said right of way line; thence North 26 degrees East to and with the center of the road crossing the S. A. L. R. R. and the Robeson Manufacturing Company property about 450 feet to a stake; thence North 4 degrees 15 minutes East crossing U. S. Highways Numbers 74 and 301, and crossing Lumber River about 2570 feet to an iron stake on the north bank of Lumber River; thence up bank of said Lumber River about 800 feet to an iron stake; thence North 23 degrees 08 minutes East to and with the east right of way line of the Jennings Mill spur of the V. & C. S. Railroad about 3000 feet; thence South 85 degrees 45 minutes East to and with the di-

viding line between Lot No. 51 and Lots Numbers 47 and 48 of Proctor Park about 2955 feet to the center of Elm Street; thence South 4 degrees 15 minutes West along the center of Elm Street about 614 feet to the beginning.

New map of Lumberton authorized.

SEC. 3. That the Mayor and Commissioners of the City of Lumberton shall, immediately following the ratification of this Act, authorize some competent civil engineer to make a new map of the City of Lumberton showing the boundaries set out herein which said map shall, upon its approval and adoption by the Mayor and Board of Commissioners of the City of Lumberton, and after the thirtieth day of June, 1947, be and constitute the official map of the City of Lumberton and it shall be duly recorded in the Book of Maps in the Office of the Register of Deeds of Robeson County. However, the map of the Town of Lumberton, made by J. E. Purcell, civil engineer, bearing date of November 1st, 1904, and approved and adopted by the Mayor and Board of Commissioners of the Town of Lumberton, at a regular meeting of said board held on May 2nd, 1905, shall be preserved for reference as to original streets and property lines.

Official map.

Preservation of map, dated Nov. 1st, 1904, made by J. E. Purcell, C.E.

Conflicting laws repealed.

SEC. 2. That all laws, and clauses of laws, in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after June 30th, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 558 **CHAPTER 618**

AN ACT TO AMEND CHAPTER 98, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1907, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE TOWN OF EAST LUMBERTON, IN THE COUNTY OF ROBESON, STATE OF NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Ch. 98, Private Laws, 1907, amended.

SECTION 1. That Chapter 98, Private Laws of North Carolina, Session of 1907, be, and the same is hereby amended by striking out Section 2, and substituting in lieu thereof, the following:

Corporate limits of Town of East Lumberton defined.

SEC. 2. That the corporate limits of the Town of East Lumberton shall be as follows:

Beginning at an iron stake on the east bank of Lumber River, pine, red oak and sweet gum witnesses, said iron stake being the southwest corner of the Mansfield Mills' property and also being about 264 feet upstream from the old iron bridge on old N. C. Highway No. 20, and runs thence North 57 degrees 49 minutes East crossing old N. C. Highway No. 20, 597.3 feet to an iron stake in concrete; thence North 4 degrees 34 minutes West 506.2 feet to an iron stake in concrete; thence North 50 degrees 49 minutes West 162.4 feet to an iron stake; thence North 4 degrees 16 minutes East 221.1 feet to an iron stake; thence North 37 degrees 40 minutes East along a canal or ditch and beyond 799.3 feet to the center of the Seaboard Air Line Railroad track; thence North 58 degrees 15 minutes East 1357.74 feet to an iron stake, corner of the Cutlar Moore subdivision; thence South 82 degrees 09 minutes East along an old ditch 577.3 feet to an iron stake on the west side of the Mill Road, corner of Cutlar Moore; thence South 33 degrees 56 minutes East 45 feet to an iron stake on the east side of said Mill Road, corner of D. W. Biggs; thence South 66 degrees 26 minutes East 492.6 feet to an iron stake, corner of Biggs; thence South 35 degrees 43 minutes East 960 feet to an iron stake, corner of Frank McNeill; thence South 3 degrees 01 minute East 250 feet to an iron stake in the west line of the East Park subdivision; thence South 58 degrees 22 minutes West along the west line of the East Park subdivision and beyond, crossing the S. A. L. R. R. 889.2 feet to a stake in the south right of way line of the S. A. L. R. R., said stake being 100 feet from the center of said railroad; thence South 64 degrees 03 minutes East along the south right of way line of said railroad 1778.04 feet; thence South 49 degrees 48 minutes West 3135 feet to the northeast edge of Lumber River; thence up the Lumber River to the beginning.

Conflicting laws repealed.

SEC. 2. That all laws, or clauses of laws, in conflict with this Act be, and the same are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after the thirtieth day of June, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 559 **CHAPTER 619**

AN ACT TO FIX THE COMPENSATION OF JURORS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 9-5 of the General Statutes of North Carolina, as amended, be, and the same is hereby, further amended by adding a new paragraph at the end thereof to read as follows:

G. S. § 9-5, amended.

In New Hanover County all jurors in the Superior Court, other than special veniremen and tales jurors, shall receive five dollars ($5.00) per day for their services and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public travel. Special veniremen and tales jurors shall receive for their services such amount as may be determined by the Board of Commissioners of New Hanover County under the provisions of the second paragraph of Section 9-5 of the General Statutes of North Carolina.

Compensation of jurors, Superior Court, New Hanover County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 568 **CHAPTER 620**

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO PAY BOUNTIES FOR THE KILLING OF FOXES.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Washington County is hereby authorized in its discretion to pay a bounty not to exceed two dollars ($2.00) for the head of each fox killed in Washington County.

Payment of bounties for killing foxes, authorized, Washington County.

SEC. 2. The Board of County Commissioners of Washington County is hereby authorized and empowered to make all needful rules and regulations with respect to requiring proof of claims and procedure for payment of the bounty herein provided for.

Provision for rules and regulations as to proof and payment of claims.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 576 CHAPTER 621

AN ACT TO PROVIDE FOR THE ESCHEAT OF UNCLAIMED DIVIDENDS FROM THE LIQUIDATION OF THE INSOLVENT STATE AND NATIONAL BANKS.

The General Assembly of North Carolina do enact:

G. S. § 53-20, amended.

SECTION 1. That G. S. 53-20 be, and the same hereby is, amended by adding at the end of Subsection 16 the following:

Commissioner of Banks authorized to pay certain unclaimed dividends, insolvent banks, to U. N. C.

After the Commissioner of Banks has held the unclaimed dividends held in trust by him under the provisions of this Statute for the several depositors and creditors of the liquidated bank for a period of ten years, he is hereby given the authority to pay the principal amount of such unclaimed dividends to the University of North Carolina, to be held by the University of North Carolina without liability for profit or interest until a just claim therefor shall be preferred by the parties entitled thereto. Upon payment of the said unclaimed dividends to the University of North Carolina, the Commissioner of Banks shall be fully discharged from all further liability therefor.

Discharge of liability of Commissioner of Banks.

G. S. § 116-25, amended.

SEC. 2. That G. S. 116-25 be, and the same hereby is, amended by adding at the end of said Section the following:

Payment to U. N. C. of certain unclaimed funds in insolvent national banks, after liquidation.

Any funds derived from the liquidation of any national bank organized and operated in this State, which has heretofore or which shall hereafter become insolvent, when such insolvent bank has been fully liquidated by a receiver appointed by the Comptroller of the Currency as provided by Title 12 of United States Code Annotated, Sections 191 and 192, or any other Federal law, or has been liquidated by any agent appointed as provided by Title 12 of United States Code Annotated, Section 197, which shall remain under the control of the Comptroller of the Currency and deposited with the Treasurer of the United States, or deposited elsewhere, as authorized by law, which shall be due any depositor or stockholder of this State,

which for a period of ten years after becoming due such depositor or stockholder or available for distribution to any stockholder in the liquidation of such insolvent bank, has not been paid over to such depositor or stockholder, or the legal representative of such depositor or stockholder, due to inability to locate and deliver the same to the person entitled thereto, shall be deemed derelict property and shall be paid over to the University of North Carolina by the Comptroller of the Currency, or by such agent as may have the funds in charge, to be held in protective custody by the University of North Carolina until a just claim shall be made for same by the owner thereof. Upon payment of such funds to the University of North Carolina, the Comptroller of the Currency, or any agent having such funds in charge, shall be relieved of all further liability therefor.

Discharge of U. S. Comptroller of the Currency, or agent in charge, upon payments to U. N. C.

Upon receipt of such funds the University of North Carolina shall cause to be posted, and keep posted for thirty days, at the courthouse door of the county in which such insolvent national bank did business, a notice giving the names of the persons to whom such amounts so paid over were due, the amount thereof and the last known address of such person, and the source from which such funds were received: *Provided*, the Comptroller of the Currency or liquidating agent of such insolvent national bank shall furnish such information to the University of North Carolina when such funds are so paid over to it. If any person at any time thereafter shall appear and show that he is the identical person to whom any part of such fund is due, the University of North Carolina shall pay such part in full to such person, but without any liability for interest or profits thereon.

Posting of notice to persons to whom funds due.

Contents of notice.

Information to U. N. C. furnished by Comptroller.

Payment of funds to lawful claimants by U. N. C.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 616 CHAPTER 622

AN ACT TO PROVIDE FOR QUADRENNIAL ELECTIONS IN THE TOWN OF LAUREL PARK.

The General Assembly of North Carolina do enact:

Terms of Mayor and Commissioners of Town of Laurel Park.

SECTION 1. That the term of office of the Mayor and Board of Town Commissioners of the Town of Laurel Park shall be four years.

Election of Mayor and Commissioners.

SEC. 2. That an election shall be held in the Town of Laurel Park on Tuesday after the first Monday of May, 1947, for the election of a mayor and three members of the board of town commissioners, each of whom shall hold the office to which he is elected for a term of four years; that the election of a mayor and commissioners shall be held quadrennially thereafter.

Vacancies filled.

SEC. 3. That any vacancy or vacancies arising, either in the office of mayor or of the board of commissioners, shall be filled by the board of commissioners, and the person or persons so appointed shall hold office until the next election provided for in this Act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 626 CHAPTER 623

AN ACT TO AMEND SECTION 122-14 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE DELIVERY OF INMATES OF STATE HOSPITALS TO FEDERAL AGENCIES, AND TO AMEND SECTION 122-42 AND SECTION 122-43 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO AFFIDAVITS OF INSANITY TO PROCURE ADMISSION TO STATE HOSPITALS.

The General Assembly of North Carolina do enact:

G. S. § 122-14, as to delivery of certain inmates of State hospitals to Federal agencies, amended.

SECTION 1. That Section 122-14 of the General Statutes of North Carolina, as amended by Section 5 of Chapter 925 of the Session Laws of 1945, the 1945 Cumulative Supplement to the General Statutes of North Carolina, be, and the same is here-

by, amended by striking out in line ten of said Section the word "insane".

SEC. 2. That Section 122-42 of the General Statutes of North Carolina, as amended by Section 19 of Chapter 952 of the Session Laws of 1945, the 1945 Cumulative Supplement to the General Statutes of North Carolina, be, and the same is hereby, amended by striking out in line thirteen of said Section the words "a mentally disordered person", and substituting in lieu thereof the words "mentally disordered, epileptic, or addicted to the use of drugs or alcohol (strike out the terms not applicable)". G. S. § 122-42, as to affidavit for admission to State hospitals, amended.

SEC. 3. That Section 122-43 of the General Statutes of North Carolina, as amended by Section 20 of Chapter 952 of the Session Laws of 1945, the 1945 Cumulative Supplement to the General Statutes of North Carolina, be, and the same is hereby, amended by striking out the words "him to be suffering from a mental disease" in lines nineteen and twenty of said Section, and inserting in lieu thereof "he is mentally disordered, epileptic, or addicted to the use of drugs or alcohol (strike out the terms not applicable)". G. S. § 122-43, as to examination of persons sought to be committed to State hospitals, amended.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 634 **CHAPTER 624**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PLYMOUTH.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Plymouth be and the same hereby are extended so that the boundaries of said town shall be as follows: Corporate limits, Town of Plymouth, extended.

Beginning at a marker on Welchs Creek on or near the line of the Waters property and running thence South 73 degrees 30 minutes East 4092 feet to a marker on the track of the Atlantic Coast Line Railroad Company; thence, with the said track South 63 degrees 35 minutes West 1000 feet to another marker on the said track; thence, South 73 degrees East 2720 Boundaries defined.

feet to a marker; thence, North 64 degrees 55 minutes East 3904 feet to a marker; thence, South 69 degrees 15 minutes East 688 feet to a marker; thence, South 81 degrees 45 minutes East 370 feet to a marker on the old Long Acre road; thence, South 87 degrees 20 minutes East 1953 feet to a marker near the Peacock Swamp Bridge; thence, along the east side of the swamp, North 50 degrees East 331 feet; North 30 degrees 15 minutes West 287 feet; North 51 degrees 25 minutes East 141 feet; North 33 degrees 30 minutes East 111 feet; North 3 degrees 45 minutes West 69.5 feet; North 51 degrees 30 minutes West 123 feet; North 1 degree 50 minutes East 303 feet; North 61 degrees West 101 feet; North 16 degrees 10 minutes West 183 feet; North 17 degrees 45 minutes West 281 feet; North 10 degrees 45 minutes West 254 feet; North 6 degrees West 201 feet; North 45 degrees 30 minutes West 221 feet; North 25 degrees West 277 feet; North 29 degrees 30 minutes West 262 feet; North 2 degrees 30 minutes West 250 feet; North 17 degrees 45 minutes East 454 feet to a marker on the track of the Norfolk & Southern Railroad Company; thence, with the said track North 72 degrees 20 minutes East 3885 feet to a marker on the said track; thence, North 18 degrees West 2891 feet to a marker; thence, North 19 degrees 45 minutes West 2740 feet to a marker on Roanoke River; thence, with the said river westwardly to the mouth of Welchs Creek; thence, with Welchs Creek to the beginning. *Provided, however,* that the extension of said corporate limits to include the foregoing area as described in this Section shall be ratified and adopted by a vote of the people within said boundary lines at an election to be held in the manner set out in this Act.

Question of extension of corporate limits subject to referendum.

SEC. 2. That the question of the extension of the corporate limits of the Town of Plymouth shall be submitted to the qualified voters of the area set out and described in Section 1 of this Act, the same being the territory now within the limits of said town and that area proposed to be annexed thereto, the said election to be held on Tuesday, the third day of June, 1947, in accordance with the provisions of this Act.

Date of election.

Call of election.

Publication of notice.

Special registration.

Appointment of election officials.

SEC. 3. That the Town Council of the Town of Plymouth shall adopt an ordinance calling for an election in conformity with this Act, the said ordinance to be published in a newspaper published in the Town of Plymouth once a week for two weeks prior to said election. The said ordinance shall provide for a new or special registration of the voters within said territory, shall designate the polling place, shall name a registrar and two judges of election, shall designate the number of days for the registration of voters, the date for the opening and closing of the registration books and challenge day.

SEC. 4. That said town council shall cause to be printed and delivered to the election officials the necessary ballots, and upon each ballot shall be printed on separate lines the words "For Extension" and "Against Extension". At the left of each line containing said words there shall be printed a voting square in which the voter may indicate his choice as being "For Extension" or "Against Extension" by making a cross mark as he may choose. At the top of the ballot shall be printed the following instructions: Form of ballots.

(1) To vote "Yes" on this proposition, make the cross mark in the square ot the left of the words "For Extension." Instructions on ballots.

(2) To vote "No" on this proposition, make a cross mark in the square to the left of the words "Against Extension."

(3) Mark only with a pencil or pen and ink.

(4) If you tear or deface or wrongly mark this ballot, return it and get another.

Except as prescribed by this Act, the said election shall be held under the General Statutes, rules and regulations for the election of mayor and city council. Conduct of election.

SEC. 5. The registrar and judges of elections shall, upon conclusion thereof, count and ascertain the result of the election and make due returns thereof to the Town Council of the Town of Plymouth. The said council, upon receipt of said returns, shall not later than the fifth day thereafter, at a meeting to be held for said purpose, canvass and judicially determine the result of the election upon the returns so made to it by said registrar and judges of election. Determination of result of election.

SEC. 6. If a majority of the votes cast at said election shall be for extension, then from and after the declaration of the result thereof as so made by said town council, the corporate limits of the Town of Plymouth shall be described and set out in Section 1 hereof, and the said territory so described and its citizens and the property therein shall in all respects be and constitute the Town of Plymouth a body politic and shall be subject to all laws, ordinances and regulations of said town at said time, and entitled to all the privileges and benefits as conferred upon its citizens by laws, Public, Special, Public-Local or Private, relating to said city and the general laws of the State of North Carolina. If a majority of the votes cast shall be against extension, there shall be no extension of the corporate limits as the result of said election, and the corporate limits of the Town of Plymouth shall be and remain as they were before the holding of said election. Effect of majority vote for extension of limits.

Effect of majority vote against extension of limits.

Town of Plymouth divided into four wards, if majority vote for extension.

SEC. 7. In the event a majority of the votes cast at said election shall be for extension, the area embraced within the Town of Plymouth, as extended, shall be divided into four wards, to-wit:

First Ward defined.

The First Ward shall cover all that part of said town that lies east of the center line of Washington Street (Washington Street is described as beginning at the edge of Roanoke River behind the old town market and running southwardly along what is now known as Washington Street and continuing along North Carolina Highway Number 32 southwardly to the new boundary line on the south side of said town).

Second Ward defined.

The Second Ward shall be all that area that lies north of the center line of Fourth Street and bounded by the center line of Washington Street on the east and by a line beginning at the west end of Fourth Street and running along the east side thereof to a lane at the end of Third Street; thence northwardly along the center of said lane to Main Street; thence continuing the same course of said lane to Roanoke River.

Third Ward defined.

The Third Ward shall be all that area of the Town of Plymouth that lies south of the center line of Fourth Street between U. S. Highway No. 64 and N. C. Highway 32.

Fourth Ward defined.

The Fourth Ward shall be all that area that lies west of the Second and Third Wards and west of U. S. Highway No. 64.

Upon unfavorable election in June, 1947, another election, same question, authorized.

SEC. 8. That in the event a majority of the votes cast on the third of June, 1947, shall be against extension, the town council of said town is authorized and empowered to call a special election on the same question of extension of corporate limits as contained in this Act any time after the first day of November, 1947, by ordinance duly adopted fixing the date of said election and for the purpose of resubmitting to the voters within the same area, described in Section 1 of this Act, the same question of an extension of the town limits, and if such subsequent election shall be called, notice shall be given and the election conducted under the same rules and regulations prescribed in this Act for the election to be held on June 3rd, 1947, and if a majority of the votes cast at any election so called be for extension, the territory described in Section 1 of this Act shall constitute the area of the Town of Plymouth, and shall then be subject to all Public, Public-Local, and Private Laws affecting the Town of Plymouth and subject to the general laws of the State affecting cities and towns.

Call, notice, and conduct of second election.

Effect of favorable vote.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 635 CHAPTER 625

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE COUNTY OF COLUMBUS FOR THE ISSUANCE OF CERTAIN SCHOOL BUILDING BONDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event the bond order finally passed February 17th, 1947, authorizing school building bonds of the County of Columbus in the aggregate principal amount of one million dollars ($1,000,000.00) for the purpose of erecting, remodeling and enlarging school buildings in said county for the maintenance of the constitutional six months' school term in said county, shall be approved by the vote of a majority of the qualified voters of the county voting thereon at an election to be called and held, the Board of Commissioners for the County of Columbus, acting as an administrative agent of the State of North Carolina in providing a State system of public schools shall be authorized and empowered to issue all or any part of said bonds, at one time or from time to time, in the manner provided by the County Finance Act, as amended, and the Local Government Act, as amended, and that when said bonds shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said County of Columbus, and taxes for the payment of the principal of and the interest on said bonds shall be annually levied and collected as required by the County Finance Act, as amended.

Issuance of bonds for school buildings, Columbus County, upon approval at election, authorized.

Bonds, when sold, to be valid obligations of Columbus County.

Tax levies.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 659 CHAPTER 626

AN ACT TO AMEND S. B. 113 ENTITLED: AN ACT TO PROHIBIT THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN COLUMBUS COUNTY, SO AS TO MAKE SAID BILL APPLICABLE TO BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 146, Session Laws, 1947, prohibiting practice of palmistry, amended.

SECTION 1. S. B. 113, enacted by the 1947 Session of the General Assembly and enrolled on the 26th day of February, 1947, is amended by adding a new Section to read as follows:

Application of Act to Bladen and Brunswick Counties.

Sec. 1½. Each and every provision of this Act shall apply to Bladen County and Brunswick County, North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 661 CHAPTER 627

AN ACT TO PERMIT THE GOVERNING BOARD OF THE TOWN OF WEST JEFFERSON TO LIST, VALUE AND REVALUE PROPERTY FOR THE PURPOSES OF TOWN TAXATION WITHOUT REGARD TO THE LISTING, VALUATION AND REVALUATION OF SUCH PROPERTY FOR PURPOSES OF STATE AND COUNTY TAXATION.

The General Assembly of North Carolina do enact:

West Jefferson and Morehead City, authorized to value and revalue property for town taxation purposes.

SECTION 1. The governing boards of the Towns of West Jefferson and Morehead City may, in their discretion, list, value and revalue all property for the purposes of town taxation separately and independently from and without regard to any listing, valuation or revaluation of such property for purposes of State and county taxation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 669 **CHAPTER 628**

AN ACT PROVIDING FOR REASSESSMENT OF PROPERTY FOR TAXATION IN DARE COUNTY IN THE YEAR 1948 AND THE APPOINTMENT OF A TAX SUPERVISOR.

The General Assembly of North Carolina do enact:

Authority to revalue and reassess property for taxation, Dare County.

SECTION 1. That the Board of County Commissioners of Dare County is empowered, authorized, and directed to cause to be made a revaluation, reassessment, and listing of all real and personal property, subject to taxation, in Dare County for ad valorem tax purposes in the year 1948 and that all property, real and personal, be assessed, revalued, and listed in Dare County in said year.

Application of G. S., Ch. 105.

SEC. 2. That the board of county commissioners, tax supervisor, list takers, assessors, board of equalization and review, personnel and clerical assistants shall have and are hereby vested with all the power and authority and are charged with all the duties given to and conferred upon such persons and boards, and the procedure, details, plans, and methods of carrying out said revaluation, reassessment, and listing of real and personal property in Dare County shall be as set forth in Chapter 105 of the General Statutes of North Carolina and all amendments thereto, except as herein otherwise provided.

Appointment of tax supervisor.

SEC. 3. The Board of County Commissioners of Dare County at its regular meeting on the first Monday in July, 1947, shall appoint a full time tax supervisor for a term of office of two years for the purpose of carrying out the revaluation and reassessment and listing as directed by this Act, whose salary shall be fixed by the board of county commissioners, and he shall qualify by taking the oath prescribed in Chapter 105 of the General Statutes of North Carolina.

Powers and duties of tax supervisor.

SEC. 4. That in addition to the authority and duties conferred and imposed upon the tax supervisor by Chapter 105 of the General Statutes, he shall make out all records and reports, prepare the tax receipts, stubs, and notices, tax books, and all such reports as may be required by the State Board of Assessments or other governmental agencies under the laws of the State of North Carolina. The full time tax supervisor may appoint and employ list takers and assessors in each township and other necessary clerical assistants, or he may personally perform the duties of such list takers or assessors in any one or more of said townships. If list takers or assessors are appointed, the listing and reappraisal of the real and personal property of the

county shall be made under the direct supervision of the tax supervisor. The board of county commissioners may impose any other duties they consider advisable to expedite and facilitate the listing, revaluation, and reassessment of the property in the county.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 675 CHAPTER 629

AN ACT TO AMEND ARTICLE IV OF CHAPTER 107 OF THE PRIVATE LAWS OF 1931, RELATING TO THE USE OF GUILFORD COUNTY REGISTRATION BOOKS FOR CITY ELECTIONS IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Use of County registration books in municipal primaries and elections, City of High Point.

SECTION 1. That in conducting municipal primaries and elections in the City of High Point, the Municipal Board of Elections of the City of High Point shall use the registration books of the County Board of Elections for Guilford County, North Carolina, in the election precincts within the corporate limits of the City of High Point and all persons duly registered in such registration books shall be entitled to vote in municipal primaries and elections in the City of High Point; and all city registration books previously used shall be no longer used in city elections and shall be impounded by the city clerk.

City registration books impounded.

Registration of qualified voters.

SEC. 2. The registrars of the High Point Municipal Board of Elections shall, in the manner provided by the General Election Laws of the State of North Carolina as the same are or may be amended to provide in the future, register in such registration books all qualified electors in the City of High Point whose names are not registered upon such registration books and who present themselves to such registrars for registration. All electors registered by the registrars of the High Point Municipal Board of Elections shall be deemed duly registered for city, county, State and National primaries and elections. In accordance with the General Election Laws of the State of North Carolina, the registrars of the High Point Municipal Board of Elections shall make such transfers from one precinct to an-

Transfers between precincts.

other precinct within the corporate limits of the City of High Point as may be necessary to enable duly registered electors to vote.

SEC. 3. The County Board of Elections for Guilford County shall turn over to the High Point Municipal Board of Elections such county registration books on or before March 27th, 1947, and on the first Tuesday after the first Monday in March, 1949, and biennially thereafter on the first Tuesday after the first Monday in March.

County registration books delivered to Municipal Board of Elections.

SEC. 4. On or before June 1st, 1947, and biennially thereafter on or before June 1st, the High Point Municipal Board of Elections shall return such registration books to the County Board of Elections for Guilford County.

Return of County registration books to Guilford County Election Board.

SEC. 5. Nothing in this Act shall abridge, interfere or conflict with rights under the present laws of the County Board of Elections of Guilford County to call for a new registration; and the High Point Municipal Board of Elections may, when considered advisable by it, call for a new registration in the election precincts within the corporate limits of the City of High Point.

Rights of County and Municipal boards to call new registration.

SEC. 6. All the provisions of Article IV of Chapter 107 of the Private Laws of 1931 not inconsistent with the provisions of this Act shall remain in full force and effect.

Effect of Act on Ch. 107, Art. IV, Private Laws, 1931.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 678 **CHAPTER 630**

AN ACT TO PRESERVE GIFTS, TRANSFERS, GRANTS, BEQUESTS, AND DEVISES FOR RELIGIOUS, EDUCATIONAL, CHARITABLE, OR BENEVOLENT USES OR PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. Declaration of Policy. It is hereby declared to be the policy of the State of North Carolina that gifts, transfers, grants, bequests, and devises for religious, educational, charitable, or benevolent uses or purposes, or for some or all of such

Declaration of State policy as to gifts, devises, bequests for charitable or other purposes.

uses or purposes, are and shall be valid, notwithstanding the fact that any such gift, transfer, grant, bequest, or devise shall be in general terms, and this Act shall be construed liberally to effect the policy herein declared.

Gifts, bequests, etc., not invalid for indefiniteness.

SEC. 2. No Gift, Transfer, Etc. Invalid for Indefiniteness. No gift, transfer, grant, bequest, or devise of property or income, or both, in trust or otherwise, for religious, educational, charitable, or benevolent purposes, or for some or all of such purposes, is or shall be void or invalid because such gift, transfer, grant, bequest, or devise is in general terms, or is uncertain as to the specific purposes, objects, or beneficiaries thereof, or because the trustee, donee, transferee, grantee, legatee, or devisee, or some or all of them, is given no specific instructions, powers, or duties as to the manner or means of effecting such purposes. When any such gift, transfer, grant, bequest, or devise has been or shall be made in general terms the trustee, donee, transferee, grantee, legatee, or devisee, or other person, corporation, association, or entity charged with carrying such purposes into effect, shall have the right and power: to prescribe or to select from time to time one or more specific objects or purposes for which any trust or any property or income shall be held and administered; to select or to create the machinery for the accomplishment of such objects and purposes, selected as hereinabove provided, or as provided by the donor, transferor, grantor, or testator, including, by way of illustration but not of limitation, the accomplishment of such objects and purposes by the acts of such trustee or trustees, donee, transferee, grantee, legatee, or devisee, or their agents or servants, or by the creation of corporations or associations or other legal entities for such purpose, or by making grants to corporations, associations, or other organizations then existing, or to be organized, through and by which such purposes can or may be accomplished, or by some or all of the said means of accomplishment, or any other means of accomplishment not prohibited by law.

Rights and powers of trustees, etc., under general terms.

Enforcement of gifts, bequests, etc., valid under Act, by suit.

Powers of Court.

SEC. 3. Enforcement. Any gift, transfer, grant, bequest, or devise for religious, educational, charitable, or benevolent uses or purposes which is or shall be valid under the provisions of this Act may be enforced in a suit for a writ of mandamus by the Attorney General of the State of North Carolina in any court of the State having original jurisdiction in equity, and such court shall have the power to enter judgment requiring the trustee, donee, transferee, grantee, legatee, or devisee, as the case may be, to make such selection as may be required of the purposes for which the property or income, or both, shall be applied, and the means, method, and manner of applying the

same. The remedy for enforcement as herein provided is in addition to any other means of enforcement now in existence or which may be hereafter provided for by Act of the General Assembly.

Remedy additional to existing remedies.

SEC. 4. Construction with Other Acts. This Act is in addition to any prior Act or Acts of the General Assembly adopted for the purpose of preserving and sustaining any gift, transfer, grant, bequest, or devise for religious, educational, charitable, or benevolent uses or purposes, and any such prior Act or Acts or any part thereof which will aid the provisions of this Act in sustaining and preserving any such gift, transfer, grant, bequest, or devise shall be read and construed in conjunction herewith.

Construction with other Acts.

SEC. 5. Act Divisible. This Act is hereby declared to be divisible, and, if any part thereof shall be held invalid, all other parts thereof shall be and remain in full force and effect.

Partial invalidity provision.

SEC. 6. Effective on Ratification. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 680 CHAPTER 631

AN ACT TO GIVE SPECIAL APPROVAL TO THE COUNTY COMMISSIONERS OF CASWELL COUNTY TO LEVY A TAX FOR A SPECIAL PURPOSE IN EXCESS OF THE FIFTEEN-CENT LIMITATION SET OUT IN ARTICLE V, SECTION 6, OF THE CONSTITUTION OF NORTH CAROLINA BY AMENDING CHAPTER 343 OF THE SESSION LAWS OF 1945.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 343 of the Session Laws of 1945 is rewritten to read as follows:

Ch. 343, Session Laws, 1945, amended.

That the Board of County Commissioners of Caswell County is authorized and empowered to levy a tax not to exceed three cents (3c) on the one hundred dollar ($100.00) valuation over and above the fifteen-cent (15c) limitation set out in Article V, Section 6, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county accountant and the assistant to the county accountant, and the general operation of the office of county accountant.

Tax levy for paying salaries of county accountant and assistant, and operating expenses, Caswell County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 708 CHAPTER 632

AN ACT TO FIX THE COMPENSATION OF REGISTRARS AND JUDGES OF ELECTION IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Pay of election officials, Cabarrus County.

SECTION 1. In Cabarrus County, registrars and judges of election shall receive the sum of ten dollars ($10.00) per day for each day necessarily engaged in the performance of their duties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 716 CHAPTER 633

AN ACT TO RATIFY AND VALIDATE THE ACTS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF LEWISTON RELATING TO THE LISTING OF PROPERTY FOR TAXES AND IN LEVYING TAXES FOR THE YEARS 1944, 1945, AND 1946.

The General Assembly of North Carolina do enact:

Acts of Board of Commissioners of Town of Lewiston, listing property and levying taxes, certain years, validated.

SECTION 1. That all acts and things done by the Board of Commissioners of the Town of Lewiston or done by direction of said board of commissioners in listing property for taxes and in levying taxes for the years 1944, 1945, and 1946 are hereby in all respects ratified and validated.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 723 CHAPTER 634

AN ACT TO AMEND CHAPTER 124 OF THE PRIVATE LAWS OF 1901, BEING THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That the present corporate limits of the Town of Laurinburg shall be enlarged by adding to the present lines and boundaries the following description:

Corporate limits of Laurinburg enlarged.

Beginning at the point where the present South town line intersects the run of Leiths Creek, the northeast corner of the land now owned by the Town of Laurinburg and described in Book W at pages 342-343-344 Scotland County Registry as lands of the W. R. McEachin Estate, and runs thence down the run of Leiths Creek five hundred forty-three feet (543) to the southeast corner of the said W. R. McEachin Estate land, thence as the South line of said tract South 52 degrees 38 minutes West seven hundred and twenty-eight and six-tenths feet (728.6) to the southwest corner of the said McEachin Estate land; thence South 60 degrees 41 minutes West two thousand one hundred and forty-five and nine-tenths feet (2145.9) to a concrete monument, said monument being three hundred and fifty-six and nine-tenths feet (356.9) westwardly from the Stewartsville Road and fifty feet (50) South of the Carolina Power and Light Company KV power line; thence parallel with said power line South 85 degrees 39 minutes West three thousand three hundred and three and four-tenths feet (3,303.4) to a concrete monument set in the present town line, said concrete monument being three hundred feet (300) southeast of the southeast property line of South Main Street; thence with the present southwest line of the Town of Laurinburg to the beginning, and being a tract which lies South and East of the present town limits.

Boundaries defined.

SEC. 2. All property, real and personal, lying or having situs within the territory annexed to the town by Section 1 of this Act shall hereafter be subject to all taxes and assessments, general and special, hereafter levied by the town: *Provided*, that such taxes and assessments shall include taxes levied and

Effect of annexation on tax levies and assessments; liens.

assessed by said town for the year 1947, which shall be assessed and levied according to values placed on said property at the listing thereof for taxes for Scotland County for the year 1947, *provided further*, that the lien for taxes levied on property for the year 1947 pursuant to this Chapter shall attach to real estate as of the date of the ratification of this Act.

Voting rights of residents of town, as extended.

SEC. 3. That all qualified voters residing within the boundaries of said town, as extended by this Act, shall be eligible to vote at the next election to be held in said town and such qualified voters shall be eligible to hold office in said town. Upon the ratification of this Act, all qualified voters residing within the extended boundaries of said town shall be entitled to register and vote, and such qualified voters may register at any time prior to the next regular election to be held in said town.

Application of ordinances and laws to enlarged territory.

SEC. 4. That all ordinances, laws and clauses of laws applicable to the Town of Laurinburg according to the corporate limits as heretofore defined, shall be applicable to the Town of Laurinburg with the extended boundaries as set forth in Section 1 of this Act as fully as if the extended boundaries had been set forth in the original charter of the Town of Laurinburg, and each amendment thereto, and each re-enactment of said charter.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 728 **CHAPTER 635**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF CABARRUS COUNTY TO CALL AN ELECTION ON THE QUESTION OF THE ISSUANCE OF BONDS IN THE SUM OF SIX HUNDRED THOUSAND DOLLARS TO ERECT AND EQUIP ADDITIONS TO THE CABARRUS COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

Provision for election on question of bond issue and tax for Cabarrus County Hospital.

SECTION 1. The Board of County Commissioners of Cabarrus County is authorized and empowered to call an election to be held in the manner provided by the County Finance Act, as amended, and submit to the qualified voters of the county the

question of issuance of bonds in the sum of six hundred thousand dollars ($600,000.00) and the levying of a tax to provide for the payment of the principal and interest thereon, for the purpose of constructing, improving, enlarging, and equipping the Cabarrus County Hospital, or any of its auxiliary buildings, and making additions thereto. Said bonds shall be issued in accordance with the County Finance Act, as amended, and the Local Government Act, as amended.

Powers additional to existing powers.

SEC. 2. The powers granted by this Act are to be in addition to, and not as substitution for, existing powers of said county to issue bonds for the construction, enlargement, and equipping of the Cabarrus County Hospital.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 729 CHAPTER 636

AN ACT TO AMEND SECTION 115-224 OF THE GENERAL STATUTES RELATING TO THE APPROPRIATION FOR FREE PLANS AND INSPECTION OF SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

G. S. § 115-224, amended, as to use of funds for free plans and inspections of school buildings.

SECTION 1. That Section 115-224 of the General Statutes be amended by striking out the words and figures "twelve thousand dollars ($12,000.00)" in line five, and inserting in lieu thereof the words and figures "seventeen thousand five hundred dollars ($17,500.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 732 CHAPTER 637

AN ACT RELATING TO RECORDER'S COURTS IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Jury fees deposit, upon defense request for jury trial, Caldwell County Recorder's Court, eliminated.

SECTION 1. After the ratification of this Act, it shall not be necessary for the defendant in any criminal action being tried in any Recorder's Court in Caldwell County to deposit jury fees or to deposit any other money, upon requesting a trial by jury, in order to secure a jury trial in a recorder's court.

Jury fees deposit by State not required in certain cases.

SEC. 2. In the event the private prosecutor or private prosecution requests a jury trial with respect to any criminal action being tried in a Recorder's Court in Caldwell County, and the solicitor or prosecuting attorney of such court approves such request, the the State shall not be required to make any jury deposit in order to secure such jury trial.

All court costs taxed against convicted defendants.

SEC. 3. Whenever any defendant being tried for any criminal offense in a Recorder's Court in Caldwell County demands a jury trial and is tried by jury and is convicted, all costs incident to providing such jury trial, shall be taxed as part of the costs and paid by such defendant in the same manner that he may be required to pay other costs.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 733 CHAPTER 638

AN ACT TO GIVE SPECIAL AUTHORITY TO THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO ANNUALLY LEVY TAXES FOR THE SPECIAL PURPOSE OF MAINTAINING A RURAL POLICE FORCE AND IN ADDITION TO TAXES ALLOWED BY THE CONSTITUTION.

The General Assembly of North Carolina do enact:

Special tax levy, Mecklenburg County, for rural police force, authorized.

SECTION 1. That the Board of Commissioners of Mecklenburg County is hereby authorized and empowered to annually levy, impose and collect special taxes upon all taxable property in said county not to exceed ten cents (10c) upon each one hundred

dollars ($100.00) of valuation of such property and over and above any taxes allowed by the constitution, for the special purpose of paying the costs and expenses of the maintenance and operation of a rural police force in said county.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification. .

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 742 CHAPTER 639

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE, IN THEIR DISCRETION, TO SUPPLY AVAILABLE STATE PUBLICATIONS TO STATE DEPARTMENTS, BUREAUS, INSTITUTIONS AND AGENCIES.

The General Assembly of North Carolina do enact:

SECTION 1. Upon request of any State department, bureau, institution or agency, and upon authorization by the Governor and Council of State, the Secretary of State shall supply to such department, bureau, institution or agency copies of any State publications then available to replace worn, damaged or lost copies and such additional sets or parts of sets as may be requested to meet the reasonable needs of such departments, bureaus, institutions or agencies, disclosed by the request.

Supply of available State publications to State Departments and agencies by Secretary of State.

This Act shall not authorize the reprinting of any State publications which would not be ordered without reference to the provisions hereof.

Reprinting State publications not authorized by Act.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 743 **CHAPTER 640**

AN ACT CALLING FOR AN ELECTION ON THE QUESTION OF ENLARGING THE CORPORATE LIMITS OF THE TOWN OF SMITHFIELD.

The General Assembly of North Carolina do enact:

Extension of corporate limits, Smithfield, subject to election.

SECTION 1. Subject to the special election to be held in the manner hereinafter provided, the present corporate limits of the Town of Smithfield shall be enlarged and extended by adding to the present corporate limits the following described areas:

Description of proposed extension.

Description of proposed corporate limit extension. North area, 165 acres.

North area.

Beginning in the center of Buffaloe Creek corner with the present corporate limits, running thence with the present corporate limits the following directions and distances—S. 59 degs. 30 min. E. 430 feet; N. 30 degs. 30 min. E. 263 feet; S. 59 degs. 30 min. E. 3397 feet; S. 73 degs. 10 min. W. with South line of U. S. Route 301, 1042 feet; S. 59 degs. E. continuing with the present corporate limits 1716 feet to the South right of way line of the ACL Railway; thence in a southeasterly direction with said right of way line 965 feet; thence in a northerly direction with the center of Buffaloe Branch as it meanders 2880 feet to the center of Buffaloe Creek; thence in a northerly direction with the center of Buffaloe Creek as it meanders 4640 feet to the point beginning, containing 165 acres, as shown on the map "City of Smithfield, North Carolina" prepared by the Linberg Engineers dated January 6th, 1947, Drawing No. 905.

Description: South area.

Description of proposed corporate limits extension. South area, 311 acres.

Beginning at an iron stake in the South right of way line of the Atlantic Coast Line Railway corner with the present corporate limits, running thence with the said right of way line S. 41 degs. W. 3410 feet to a stake located in the Thomas Jordan property: thence N. 58 degs. 58 min. W. crossing the ACL Railroad tracks and U. S. Highway No. 301 and with the property lines between Charles and Lloyd Guenther and Leon Johnson, and between E. J. Wellons and J. E. Wilson 2064.4 feet to an iron pipe: thence N. 2 degs. 18 min. W. 4728.9 feet to the center of Neuse River, 70 feet North of iron pipe on the

South bank: thence in an easterly direction with the center of Neuse River as it meanders 2270 feet to the center of Spring Branch, the present city limits: thence in a southeasterly direction with the center of Spring Branch as it meanders and the present city limits 200 feet to an elm: thence S. 30 degs. 30 min. W. 1230 feet to the center of a ditch: thence with said ditch N. 67 degs. W. 430 feet: thence S. 23 degs. W. 386 feet: thence S. 67 degs. E. 850 feet to the southeast street line of First Street: thence with the southeast street line of First Street S. 23 degs. W. 684 feet to the center of big ditch: thence in a southerly direction with the center of big ditch as it meanders 879 feet: thence S. 30 degs. 30 min. W. 580 feet thence S. 60 degs. E. 210 feet to the northwest side of Third Street: thence in a northeasterly direction with the northwest side of Third Street 150 feet: thence S. 60 degs. E. 340 feet: thence N. 30 degs. 40 min. E. 430 feet: thence S. 60 degs. E. 1250 feet to the point of beginning, containing 316 acres, as shown on the map "City of Smithfield, North Carolina" prepared by the Linberg Engineers dated January 6th, 1947, Drawing No. 905.

Description: Belmont and Sandy Run area.

Description of proposed corporate limit extension. Belmont and Sandy Run area, 182 acres.

Beginning at an iron stake in the South right of way line of the Atlantic Coast Line Railway, corner with the present corporate limits, running thence with the said right of way line S. 41 degs. W. 3410 feet to a stake located in the Thomas Jordan property: thence S. 58 degs. 58 min. E. 540 feet to an iron pipe: thence N. 41 degs. 23 min. E. paralleling and 150 feet South of the South Street line of Blount Street 3896 feet to an iron pipe in the center of Carolina Power and Light Company electric transmission line and 109 feet West of pole No. 85: thence with the center of said electric transmission line of Carolina Power and Light Company N. 60 degs. 15 min. E. 4994.5 feet to center of pole No. 58: thence N. 4 degs. 35 min. W. 1316.4 feet to a stake in the South right of way line of the Atlantic Coast Line Railway: thence in a southwesterly direction with said right of way line 965 feet to a stake corner with the present corporate limits: thence with the present corporate limits the following directions and distances—southwesterly direction with ACL right of way 1370 feet; southeasterly direction with street 350; S. 30 degs. 40 min. W. 480 feet; N. 59 degs. 20 min. 160 feet; S. 30 degs. 40 min. W. 420 feet; N. 59 degs. 20 min. W. 503 to ACL right of way; southwesterly direction continuing, with the present corporate limits 3237 feet to the point of beginning, containing 182 acres as shown on the map "City of Smithfield, North Carolina" prepared by The Linberg Engineers dated January 6th, 1947, Drawing No. 905.

Provision for special election.

SEC. 2. A special election shall be held, on the 20th day of September, 1947, to submit to the qualified voters of the present Town of Smithfield and of each of the areas above described, on the question of whether or not one or more of said areas shall be embraced within the corporate limits of the Town of Smithfield.

Conduct of election.

SEC. 3. The machinery and procedure for holding said special election shall, except as herein otherwise provided, be the same as that governing the election of the Mayor and Governing Body of the Town of Smithfield and as provided in Article III of Chapter 160 of the General Statutes of North Carolina.

Appointment of election officials.

The town board of commissioners shall appoint a registrar and two judges of election for each of the precincts within the present corporate limits and a registrar and two judges of election for each of the areas described in Section 1, and shall publish a notice of such election at least thirty days before the opening of the registration books. A new registration of voters shall not be necessary within the present corporate limits of the Town of Smithfield, but there shall be a new registration of voters in each of the areas proposed to be annexed thereto. The registration books shall remain open for a period of thirty days immediately preceding the election and the registrars shall be present with the registration books at the voting places within the present corporate limits, and at the voting place fixed by the town board of commissioners in each of the new areas, on each Saturday between the hours of 9:00 A.M. and sunset for the purpose of registering voters and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote. The voters in said election shall have the same qualifications as required of voters in municipal elections as fixed by Chapter 160 of the General Statutes of North Carolina.

Publication of notice of election.

Registration.

Voting qualifications.

Separate ballots as to annexation of each area.

SEC. 4. There shall be separate ballots on the question of annexation of each of the areas described in Section 1 to the Town of Smithfield, and in said election only the qualified voters residing in the Town of Smithfield and those residing in the particular new areas proposed to be annexed shall vote on the question of the annexation of such areas to the Town of Smithfield. The qualified voters of the Town of Smithfield and the qualified voters of the affected unit of new area shall vote ballots upon which is printed the following: "For annexation to the Town of Smithfield and the assumption of the outstanding indebtedness of said town as the same may exist on the first day of July, 1948." Those voters residing in a particular area, to-

Voters eligible to vote on each issue.

Form of ballots.

gether with the voters residing in the Town of Smithfield, who are against annexing the particular new area to the Town of Smithfield and assuming said indebtedness shall vote ballots upon which is printed the following: "Against annexation to the Town of Smithfield and the assumption of the outstanding indebtedness of said town as the same may exist on the first day of July, 1948."

Effect of majority vote against extension.

SEC. 5. In any of said proposed new areas in which the qualified voters, together with the qualified voters of the Town of Smithfield, cast a majority vote in said election against annexation and assumption of indebtedness, the corporate limits of the Town of Smithfield shall not be extended so as to include within its boundaries the respective areas. It is the intent and purpose of this Act that in the special election herein authorized no person shall be permitted to vote on the question of the annexation of any one of said areas, except those voters residing in such area or within the corporate limits of the Town of Smithfield.

Clarification of intent of Act as to persons eligible to vote.

Certification and publication of election results.

SEC. 6. Immediately upon receipt from the Town of Smithfield Board of Canvassers of certification of the results of said election, the governing body of the Town of Smithfield shall cause to be published in a newspaper of general circulation in said county a notice setting forth the results of said election as certified by the county board of elections.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 746 CHAPTER 641

AN ACT TO FIX THE COMPENSATION OF THE GRAND JURORS AND CERTAIN COUNTY OFFICIALS OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 9-25, amended increasing pay of foreman and members of Grand Jury, Scotland County.

SECTION 1. Amend that portion of Section 9-25 of the General Statutes pertaining to the compensation of the Foreman and Members of the Grand Jury of Scotland County as the same appears in the sixth paragraph from the end of said Sec-

tion 9-25, the same also being in the left column of page 589, by striking out the word "three" in the fourth line of said sixth paragraph and inserting in lieu thereof the word "five", and by striking out the word "two" in the fifth line of said sixth paragraph from the end of said Section and inserting in lieu thereof the word "four".

G. S. § 153-13, amended as to pay of Chairman and members, Board of Commissioners, Scotland County.

SEC. 2. Amend Section 153-13 of the General Statutes by adding thereto a proviso which shall read as follows:

Provided, that in Scotland County the board of county commissioners is authorized and empowered, in its discretion, to pay the chairman of the board of county commissioners a sum not to exceed twenty-five dollars ($25.00) per day and to pay the members of the board of county commissioners a sum not to exceed ten dollars ($10.00) per day for their services and expenses in attending the meetings of the board of county commissioners and in addition, mileage to and from their respective places of meeting, not to exceed five cents (5c) per mile.

Mileage allowances.

Ch. 93, Public-Local Laws, 1933, amended.

SEC. 3. Amend Section 2 of Chapter 93 of the Public-Local Laws of 1933 by rewriting said Section 2 so that the same shall hereafter read as follows:

Authority of Scotland County Commissioners to fix salaries of public officers.

Section 2. That the Board of County Commissioners of Scotland County is authorized and empowered, in its discretion, to fix the salaries of the public officers of Scotland County hereinafter set forth not to exceed the maximum sum per month hereinafter set forth for each officer as follows:

Salary of Sheriff and deputies.

For the Sheriff of Scotland County, a salary not to exceed the sum of four hundred dollars ($400.00) per month; but said commissioners may provide for any deputy or deputies for said sheriff, a salary or salaries not to exceed three hundred dollars ($300.00) per month for each deputy so provided.

Salary of rural police.

For the rural police of Scotland County, a salary not to exceed two hundred fifty dollars ($250.00) per month for each rural policeman.

Salary of Clerk of Superior Court.

For the Clerk of the Superior Court of Scotland County, a salary not to exceed three hundred fifty dollars ($350.00) per month. The Board of County Commissioners of Scotland County is authorized, in its discretion, to pay out of any county funds available such sums as it may deem necessary and proper as compensation for any deputy or assistant to said clerk.

Pay of deputy or assistant.

Salary of Register of Deeds.

For the Register of Deeds of Scotland County, a salary not to exceed three hundred fifty dollars ($350.00) per month. The Board of County Commissioners of Scotland County is auth-

orized, in its discretion, to pay such sums as it may deem necessary and proper for any assistant or clerk to said register of deeds.

Salary of County Auditor or Accountant.

For the County Auditor or County Accountant for Scotland County, a salary not to exceed three hundred fifty dollars ($350.00) per month.

Salary of Trial Justice of Criminal Court.

For the Trial Justice of the Criminal Court of Scotland County, a salary not to exceed two hundred dollars ($200.00) per month.

Salary of Prosecuting Attorney.

For the Prosecuting Attorney of the Criminal Court of Scotland County, a salary not to exceed two hundred dollars ($200.00) per month.

Payment out of general fund.

That said salaries shall be paid to said officers out of the general fund of Scotland County by order of the board of county commissioners each month. So long as such officers remain on a salary basis, said board of county commissioners shall have the power, at any time, to change the basis for the compensation of any or all of such officers by placing them, or any of them, on a fee basis. All salary or compensation paid to the Chairman and Members of the Board of County Commissioners of Scotland County prior to and including the month of March, 1947, and all salary or compensation paid to any of the county officers enumerated in this Act prior to and including the month of March, 1947, is hereby declared to be valid, properly paid, legal and duly authorized.

Authority of Board of Commissioners to place officers on fee basis.

Prior salary payments validated.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 761 **CHAPTER 642**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF ABERDEEN TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN SO AS TO INCLUDE A CERTAIN DESCRIBED AREA.

The General Assembly of North Carolina do enact:

Authority of governing body, Town of Aberdeen, to extend corporate limits.

SECTION 1. The governing body of the Town of Aberdeen is hereby authorized and empowered, in its discretion, by an appropriate resolution to extend the corporate limits of the Town of Aberdeen by including within the said corporate limits the following described territory, provided such action is taken by said governing body prior to January 1st, 1949:

Time limitation.

Description of authorized area for extension.

Beginning at an iron pipe at the southwest corner of the present corporate limit of the Town of Aberdeen and running thence with the western corporate limit line of Aberdeen N. 31-45 E. about 2115 feet to the south side of the road leading to the Wilder home; thence with it and the northerly line of the Mona Shepard tract N. 72-20 W. about 1930 feet to a concrete monument; thence with another line of the Shepard tract S. 19-45 W. 1060 feet to a concrete monument; thence with its other line S. 5-30 W. 660 feet to an iron stake; thence with its other line S. 84-15 E. 504 feet to a concrete monument; thence with the west line of the B. H. Sanborn 20.75 acre tract S. 17-15 W. 990 feet to a lightwood knot and iron bar; thence with its other line S. 64.E. 765.5 feet to its corner at or near the old Moore County Railroad line; thence with the other line of said Sanborn tract N. 40-30 E. 319 feet; thence with its other line N. 17-15 E. 251 feet to the south corporate limit line of Aberdeen; thence with it N. 58-15 W. (as of Oct. 1924) about 80 feet to the beginning, containing 82 acres more or less.

Description of enlarged corporate territory, in event of extension as provided for.

SEC. 2. If and when the governing body exercises the authority granted in Section 1 of this Act, the corporate limits of the Town of Aberdeen shall be as follows:

Beginning at a point on the Raleigh & Augusta Air Line Railroad (now Seaboard Air Line Railroad) one-half mile southwest of the railroad depot in Aberdeen, and runs thence S. 58-15 E. (as of Oct. 1924, as shown on the official map of Aberdeen, N. C., formerly called S. 60 E.) 2640 feet to an iron bar; thence with it N. 31-45 E. 6336 feet (formerly called 80 chains); thence N. 58-15 W. (as of Oct. 1924) 5280 feet to an iron stake; thence S. 31-45 W. (as of Oct. 1924) about 4221 feet to the south side of the road leading to the Wilder home; thence with it N. 72-20 W. about 1930 feet to a concrete monument; thence with the westerly line of the Mona Shepard tract S. 19-45 W. 1060 feet to a concrete monument; thence with its other line

S. 5-30 W. 660 feet to an iron stake; thence with its other line S. 84-15 E. 504 feet to a concrete monument; thence with the west line of the B. H. Sanborn tract S. 17-15 W. 990 feet to a lightwood knot and iron bar; thence with its other line S. 64 E. 765.5 feet to its corner at or near the old Moore County Railroad line; thence with its other line N. 40-30 E. 319 feet; thence with its other line N. 17-15 E. 251 feet to the south corporate limit line of Aberdeen; thence with it S. 58-15 E. (as of Oct. 1924) about 2560 feet to the beginning, containing 850 acres more or less.

Effect of extension of limits upon application of laws, ordinances, regulations.

SEC. 3. If the governing body of the Town of Aberdeen exercises the authority granted in Section 1 of this Act, all laws, ordinances and regulations applicable to the Town of Aberdeen at such time or at any time thereafter shall apply with equal effect to the new territory embraced within the corporate limits of said town pursuant to the provisions of this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 762 **CHAPTER 643**

AN ACT TO PROHIBIT THE DEPOSITING OF TRASH OR GARBAGE UPON THE LANDS OF ANOTHER IN MOORE COUNTY WITHOUT WRITTEN CONSENT.

The General Assembly of North Carolina do enact:

Unauthorized deposit of debris on lands of another, prohibited.

SECTION 1. Any person, firm or corporation, not being upon his or its own lands, who shall deposit any trash, litter, garbage, junk, tin cans, waste or other refuse material of any kind upon the lands or property of another without the written permission of the owner, shall be guilty of a misdemeanor punishable by fine not exceeding fifty dollars ($50.00), or imprisonment not exceeding thirty days.

Application of Act to counties named.

SEC. 2. This Act shall apply only to Moore, Cumberland, Orange, Chatham and Hoke Counties.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 765 **CHAPTER 644**

AN ACT TO AMEND CHAPTER 131 OF THE PRIVATE LAWS OF 1935 RELATING TO ELECTIONS IN THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 131, Private Laws, 1935, rewritten.

SECTION 1. That Section 1 of Chapter 131 of the Private Laws of 1935 be stricken out and the following be inserted in lieu thereof:

Conduct of elections, Town of Canton.

Board of Elections.

Appointment and terms of members.

Designation of chairman.

Provision for staggered terms of members.

Effect of absence of disability of one member.

Service until successors qualified.

All municipal elections, including all special elections, held in the Town of Canton shall be conducted by municipal board of elections consisting of three persons who shall be electors of the Town of Canton, but not more than two members shall be of the same political party. The members of the present board of elections appointed by the board of aldermen of said town shall remain in office until their terms expire, they resign or become incapacitated or disqualified; and said members of the board of elections shall be appointed by the board of aldermen for a period of six years each, or in case of filling a vacancy, for the unexpired term. The board of aldermen of said town shall designate the chairman of said board of elections. The terms of the members of said board of elections, including the ones now in office (except those whose terms may expire prior to the election in May, 1947) shall not expire until the first day of June following each regular municipal election and said members to be staggered so that one member will be appointed following the first day of June on every regular municipal election year. In case of the absence or disability of any member of said board, the other two members shall have the same power as the full board; and in case the board of aldermen should fail to make an appointment, the members of the election board shall serve until their successors are appointed and qualified.

Sec. 4, Ch. 131, Private Laws, 1935, rewritten.

SEC. 2. That Section 4 of Chapter 131 of the Private Laws of 1935 be stricken out and the following inserted in lieu thereof:

Notice of candidacy for office, Town of Canton.

All candidates to be voted for at a municipal election shall, at least ten days before said election, file a notice of his candidacy with the chairman, or in his absence or inability, with

another member of the municipal board of elections, and shall pay a filing fee of five dollars ($5.00), which fee shall be paid into the city treasurer and used for the purpose of aiding in the payment of expenses of conducting the election.

Filing fee.

SEC. 3. That Section 6 of Chapter 131 of the Private Laws of 1935 be stricken out and the following inserted in lieu thereof:

Sec. 6, same law, rewritten.

That said municipal board of elections shall call for a new registration of voters for the election to be held in May, 1947, and thereafter a new registration shall be held every six years; and said board of elections may call a new registration at any time. In calling a new registration, notice shall be given in a newspaper published in the Town of Canton stating that it is a new registration and that all voters must re-register in order to be qualified electors in said election. Said notice to run each week the registration books are open for said election as is provided by law for the registration of voters.

Provision for new registrations of voters.

Publication of notice of new registration.

SEC. 4. That after any election the registration books and other books used in connection with said election shall be sealed by the board of elections and deposited in a safe place in the town hall.

Custody of registration and other election books.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 769 **CHAPTER 645**

AN ACT TO AMEND CHAPTER 104 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909 ENTITLED "AN ACT TO ESTABLISH IN THE CITY OF REIDSVILLE A SPECIAL COURT TO BE CALLED THE RECORDER'S COURT AND TO PRESCRIBE JURISDICTION THEREOF"; AND ALSO TO AMEND CHAPTER 156 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1911, RELATING TO THE RECORDER'S COURT OF REIDSVILLE, N. C.: AND TO AMEND CHAPTER 24, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1931 WHICH RELATES TO THE JURISDICTION OF THE RECORDER'S COURT OF REIDSVILLE, NORTH CAROLINA, EXTENDING SAME TO REIDSVILLE TOWNSHIP, AND TO AMEND CHAPTER 327, SESSION 1937, OF THE PUBLIC LAWS OF NORTH CAROLINA WHICH RELATES TO JURORS OF THE REIDSVILLE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Sec. 19, Ch. 104, Public Laws, 1909, as to trial by jury, Reidsville Recorder's Court, rewritten.

SECTION 1. That Section 19 of the Public Laws of North Carolina of the Session of 1909, Chapter 104, reading as follows be stricken out: "That in case any defendant arraigned for trial before said court shall demand a trial by jury as allowed by law, the said court shall cause to be drawn from the jury box to be provided by the said Board of Commissioners of the Town of Reidsville a jury to try said cause. Said defendant shall be required to pay the fees allowed by law for jurors in cases before justices of the peace before the said jury is drawn; and it shall be the duty of the said Board of Commissioners of the Town of Reidsville to provide a jury box for this purpose, containing the names of all persons eligible to jury service living within the corporate limits of the Town of Reidsville; and in such cases above mentioned the jury shall be drawn as is prescribed in cases before justices of the peace", and the following inserted in lieu thereof:

Provisions eliminated.

Section as rewritten.

That any defendant arraigned before said court may demand a jury trial and said court shall cause to be drawn from the jury box to be prepared by the City Council of the City of Reidsville a jury to try said cause; and it shall be the duty of the said City Council of the City of Reidsville to provide a jury box for this purpose containing the names of all persons eligible to jury service living within Reidsville Township, Rockingham County; and it shall be the duty of the Board of County Commissioners of Rockingham County to furnish to said city council a list of all such persons; that the said court shall draw a jury of four-

Trial by jury.

Jury box.

Jury list.

teen names from which there shall be selected six to sit upon and try the cause between the State and the defendant or, in a civil case, between the plaintiff and defendant; that Tuesday in each week, unless it be in conflict with the Superior Court of Rockingham County and then the succeeding Tuesday after the Superior Court is over, shall be designated as a day for the trial of all cases wherein a jury is demanded, and the jury subpoenaed for said day shall try all causes where a jury trial is demanded. If there be not sufficient jurors from the panel summoned, then a sufficient number may be summoned at said time by direction of the court. The recorder, in his discretion, may order a specific case tried by a jury on a day other than Tuesday and may order a jury subpoenaed for the purpose. That challenges for cause to any juror shall be the same as for jurors in the Superior Court; that in a criminal action the State shall be entitled to two peremptory challenges and the defendant three peremptory challenges for which no reason need be assigned. In civil actions the plaintiff and defendant shall be entitled to three peremptory challenges each.

Drawing of jurors.

Regular day for trial of jury cases.

Jury trials on other than regular day.

Challenges.

SEC. 2. That any criminal action arising outside of Reidsville Township and outside of Leaksville Township which cause comes within the jurisdiction of the Reidsville Recorder's Court may, by consent of the defendant, be transferred to the Reidsville Recorder's Court for trial instead of the Superior Court; and the said defendant, if he demands it, shall have the benefit of a jury trial the same as any other defendant who is brought before said court.

Trial of certain criminal actions in Recorder's Court instead of Superior Court.

Jury trial.

SEC. 3. That Section 7 of Chapter 156, Session 1911 of the Public Laws of North Carolina relating to said Reidsville Recorder's Court be amended as follows: Strike out in lines 4 and 5 the following after the word "service" and ending with the word "Reidsville": "Living within the corporate limits of the Town of Reidsville", and substitute therefor the following:

Sec. 7, Ch. 156, Public-Local Laws, 1911 (semble), amended as to persons eligible for jury list.

living within Reidsville Township, Rockingham County;

That Section 8 of said Chapter 156, Session 1911, be amended by striking out said Section 8 as follows: "When a jury shall be asked for and drawn from the jury box as provided in the Act creating the Recorder's Court of the Town of Reidsville, those jurors drawn and empaneled as the jury to try the cause shall receive fifty cents (50c) each for their services and those jurors excused shall receive twenty-five cents (25c) each. These fees to be paid by the party at whose instance the jury is drawn", and inserting in lieu thereof the following:

Sec. 8, amended, as to pay of jurors, Reidsville Recorder's Court.

That said jurors summoned to serve in said Reidsville Recorder's Court as herein designated shall receive for their services the sum of three dollars ($3.00) per day; that those jurors summoned but who are excused by the court and do not serve, shall receive fifty cents (50c).

Sec. 2, Ch. 327, Public Laws, 1937, amended, as to taxing jury fee as part of costs.

SEC. 4. That Section 2 of Chapter 327, Session 1937, of the Public Laws of North Carolina be amended by striking out the entire Section 2 which reads as follows, "That any defendant in any criminal action who requests trial by jury shall deposit with the clerk, at the time of such request, the sum of four dollars and fifty cents ($4.50). The jurors who are selected to serve as jurors shall each receive fifty cents; those who do not serve shall receive the sum of twenty-five cents." and inserting the following in lieu thereof:

That there shall be taxed in every criminal and civil action tried in said Reidsville Township Recorder's Court the sum of one dollar ($1.00) as a jury fee out of which fund each juror summoned to serve in said court as herein provided shall be paid as provided herein.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act to the extent of such conflict are hereby repealed.

SEC. 6. That this Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 778 CHAPTER 646

AN ACT TO FIX THE DISTRIBUTION OF NATIONAL FORESTS FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT BY MACON COUNTY.

The General Assembly of North Carolina do enact:

Allocation of National Forests funds received by Macon County.

SECTION 1. That all funds received by Macon County by virtue of the National Forests Law of the Federal Government and as provided by Title 16, United States Code Annotated, Section 500 (58 Stat. 737), as amended, shall be allocated to the general fund of Macon County. On and after January 1st, 1948, said funds shall be allocated to the several funds of Macon County in proportion to the amount of each one.

SEC. 2. That the provisions of H. B. No. 144, the same being "A Bill to be Entitled an Act to Fix the Distribution of National Forest Funds Received from the Federal Government by Clay County", and ratified on the 5th day of March, 1947, as the same applies to Macon County be, and the same is hereby, repealed. That the provisions of said H. B. No. 144 as to Clay County are retained in full force and effect.

Ch. 223, Session Laws, 1947, repealed, as applicable to Macon County.

Application to Clay County continued.

SEC. 3. That this Act shall be retroactive to January 1st, 1947 and shall govern the allocation and distribution of said funds received by Macon County since January 1st, 1947.

Retroactive effect.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 780 CHAPTER 647

AN ACT TO AMEND CHAPTER 205, PRIVATE LAWS OF 1929.

Preamble:

WHEREAS, in the interest of the public welfare and in order to promote recreation facilities at the Beaver Lake Golf Course, to provide entertainment for both citizens of Asheville and visitors to said city, and to encourage the construction of a club house and accessories as originally planned for Beaver Lake Golf Course, it is desirable to exclude from the corporate limits of the City of Asheville the portion of said golf course lying north and east of Merrimon Avenue in said city: *Now, therefore,*

Exclusion of part of certain golf course from Asheville city limits, desirable.

The General Assembly of North Carolina do enact:

SECTION 1. That the following described tract of land be, and the same hereby is, removed and excluded from the corporate limits of the City of Asheville, to-wit:

Certain territory excluded from corporate limits of Asheville.

Beginning, at the intersection of the north margin of Merrimon Avenue and the west margin of Wembley Road, and running thence North 79° 14' West 216.2 feet to a stake; thence curving to the right upon a radius of 20 feet, 31.4 feet to a stake; thence curving to the left upon a radius of 200 feet, 169.2 feet to a stake; thence curving to the right upon a radius of 448 feet, 288.1 feet to a stake in the east margin of Midland Drive;

Description of excluded lands.

thence with said margin of said drive, North 0° 51′ West 468.9 feet to a stake; thence continuing with the margin of said drive, North 1° 23′ West 409.73 feet to a stake in the east margin of Edgelawn Road; thence with said margin of said road, North 0° 51′ West 532.5 feet to a stake; thence curving to the right upon a radius of 480 feet, 137.4 feet to a stake; thence North 14° 54′ East 178.6 feet to a stake; thence curving to the left upon a radius of 520 feet, 34.1 feet to a stake at the southwest corner of Lot 400, Section 1, Lake View Park; thence with the line of said lot, North 88° 50′ East 210 feet to a stake; thence with the line of Lot 428, Section 1, North 78° 10′ 30″ East 210 feet to a stake; thence with the line of said lot and that of Lot 427, North 63° 38′ 15″ East 277.9 feet to a stake; thence with the lines of Lots 426, 425 and 424, North 68° 31′ 30″ East 425 feet to a stake in the west margin of Wembley Road; thence crossing said road, North 78° 40′ 30″ East 50 feet to a stake in the east margin of Wembley Road; thence with the east margin of said road, North 11° 19′ 30″ West 436.93 feet to a stake; thence leaving said road, North 78° 40′ 30″ East 77.7 feet to a stake; thence North 30° 23′ 30″ East 245.7 feet to a stake; thence North 40° 8′ 30″ East 90 feet to a stake; thence North 30° 28′ East 281.95 feet to a stake; thence North 15° 40′ East about 40 feet to the northernmost corporate limits of the City of Asheville; thence with the corporate line of the City of Asheville, about 200 feet to Station 19 as described in Chapter 205 of the Private Laws of North Carolina for the year 1929; thence South with the line of the corporate limits of the City of Asheville, about 1850 feet to a stake in the east line of Lot 397, Block "S," Lake View Park; thence North 31° 14′ West about 200 feet to the southeast corner of Lot 395; thence North 6° 32′ West 100 feet to a stake; thence South 88° 5′ West 193.61 feet to a stake in the east margin of Wembley Road; thence crossing said road, North 77° 19′ West 50 feet to a stake in the west margin of said road; thence with said margin of said road as it curves to the right upon a radius of 1,070 feet, 247.28 feet to a stake; thence curving to the right upon a radius of 120 feet, 80 feet to a stake in the north margin of Wembley Road; thence curving to the right upon a radius of 1,070 feet, 194.83 feet to a stake; thence curving to the right upon a radius of 260.6 feet, 114.31 feet to a stake; thence North 80° 18′ West 127.5 feet to a stake; thence curving to the left upon a radius of 360 feet, 215.61 feet to a stake; thence South 65° 23′ West 102.6 feet to a stake; thence leaving said road, North 89° 14′ West 268.6 feet to a stake at the northwest corner of Lot 329, Block "R," Lake View Park; thence South 5° 51′ West 271.7 feet to a stake; thence South 7° 37′ East 730 feet to a stake; thence

South 20° 33′ East 252.8 feet to a stake; thence South 88° 29′ East 97.7 feet to a stake in the west margin of Wembley Road; thence with said margin of said road, South 17° 25′ 30″ West 214 feet to a stake; thence crossing said road, South 72° 34′ 30″ East 50 feet to a stake in the east margin of Wembley Road; thence curving to the right upon a radius of 20 feet, 21.4 feet to a stake in the south margin of Fairway Road; thence with the said margin of said road, North 78° 43′ 45″ East 367.8 feet to a stake; thence continuing with said margin of said road as it curves to the right upon a radius of 460 feet, 96.4 feet to a stake; thence continuing with said margin of said road, South 89° 15′ 45″ East 740 feet to a stake in the line of the corporate limits of the City of Asheville; thence South with said line about 580 feet to a stake in the property line of the Beaver Lake Golf Course; thence South 88° 44′ 20″ West 369.5 feet to a stake; thence South 61° 10′ West 46 feet to a stake; thence curving to the right upon a radius of 179 feet, 253.79 feet to a stake; thence curving to the left upon a radius of 114.86 feet, 150.28 feet to a stake; thence South 67° 26′ West 112.76 feet to a stake; thence curving to the right upon a radius of 20 feet, 27.5 feet to a stake in the east margin of Merrimon Avenue; thence with said margin of Merrimon Avenue, North 33° 43′ 40″ West 241.16 feet to a stake; thence continuing with said margin of said street as it curves to the left upon a radius of 388.1 feet, 308.22 feet to the beginning.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 793 CHAPTER 648

AN ACT AMENDING CHAPTER 236, SESSION LAWS OF 1943 RELATING TO THE PLACING OF INSURANCE BY THE BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 1 of Chapter 236, Session Laws of 1943 by adding a new sentence at the end of said Section reading as follows: Ch. 236, Session Laws, 1943, amended.

Restrictions as to placing insurance on school property, Currituck County.

All hazard insurance protecting school property placed by any board of Currituck County pursuant to the provisions of this Act shall be obtained in substantially equal amounts from at least four separate and distinct agencies each of which maintains a policy-writing office: *Provided, however,* said board shall not cancel or extend the expiration date of any policy in force on the date of ratification of this amendment in order to comply with the terms hereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 831 CHAPTER 649

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF BAKERSVILLE TO EMPLOY AS POLICEMEN PERSONS WHO DO NOT RESIDE WITHIN THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Appointment of non-residents as police officers, Bakersville.

SECTION 1. The governing body of the Town of Bakersville is hereby authorized, in its discretion, to employ or appoint as a police officer or police officers for the Town of Bakersville a person or persons who do not reside within the corporate limits of said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 849 **CHAPTER 650**

AN ACT TO AMEND CHAPTER 585 OF THE PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 585, Public-Local Laws, 1937, amended.

SECTION 1. Section 1 of Chapter 585 of the Public-Local Laws of 1937 is hereby amended by adding a new sentence at the end of said Section, to read as follows:

Use of A. B. C. store profits for law enforcement and educational purposes, Rowan County.

Before any profits shall be distributed as provided above, ten per cent (10%) of the profits shall be set aside for use for law enforcement purposes as provided by the general law and for education as to the harmful results from abuses of alcohol, and the remainder of the profits, to be known as the "net profits" shall then be distributed as provided above.

Ch. 585, further amended.

SEC. 2. Section 2 of Chapter 585 of the Public-Local Laws of 1937 is hereby amended by rewriting the same to read as follows:

Restrictions on use of A. B. C. store profits by municipalities, Rowan County.

Sec. 2. The County of Rowan, the City of Salisbury and the other municipalities in Rowan County shall not expend more than twenty-five per cent (25%) of the alcoholic beverage control store profits received by them for debt service, retirement of bonds, and to reduce the tax rate. The remaining alcoholic beverage control store profits received by Rowan County, the City of Salisbury and the other municipalities in Rowan County may be expended only for public welfare, free hospital beds for the poor, hospital building funds, public libraries, public recreation and youth developments and benefit projects, supplements for public school lunch funds, and supplements for teachers' salaries.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 853 CHAPTER 651

AN ACT TO PROHIBIT THE OPERATION OF POOL ROOMS IN NORTHAMPTON COUNTY ON SUNDAY.

The General Assembly of North Carolina do enact:

Sunday operation of pool rooms, Northampton County, prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate a pool hall or billiard parlor in Northampton County on Sunday.

Playing pool or billiards in certain public places on Sunday, prohibited.

SEC. 2. It shall be unlawful for any person to play pool or billiards in Northampton County on Sunday on any pool table or billiard table in a public place where a fee is charged, or any other charge is made, for playing pool or billiards on such table or tables.

Punishment for violations.

SEC. 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective April 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 869 CHAPTER 652

AN ACT TO APPLY CERTAIN DELINQUENT TAXES OF CARTERET COUNTY TO DEBT SERVICE PURPOSES.

Preamble:

Heavy bond debt, Carteret County.

WHEREAS, Carteret County is, and for several years past has been, heavily indebted, evidenced principally by outstanding interest-bearing bonds; and

Maintenance of debt service fund under refinance plan.

WHEREAS, under a refinance plan formerly adopted, approved and now in operation in said county, the debt service fund is required to be maintained within certain minimum requirements; and

Increase of debt service fund justifiable.

WHEREAS, it has been found and determined as a fact that the general financial condition of the county is now such as to permit and justify the making of provision for an increase of the aforesaid debt service fund: *Now, therefore,*

The General Assembly of North Carolina do enact:

Application of receipts from collection of certain back taxes to debt service fund, Carteret County.

SECTION 1. That all outstanding taxes, real, personal and poll, heretofore levied by the Commissioners of Carteret County for the taxable years 1940, 1941, 1942 and 1943, which shall

not have been paid prior to April 1st, 1947, thereafter shall be dedicated to the cause and purpose of the debt service fund of Carteret County; and the county accountant or auditor shall account for, or cause to be accounted for, all tax collections that after April 1st, 1947, shall or may be made or had on any and all delinquent taxes for the said years in question, 1940 to 1943, both inclusive, whether the same may be evidenced by outstanding certificates, judgments or other record liens of any kind, and shall make due and proper application of the same to the aforesaid debt service fund, and when and after such allocation of funds shall have been made, the same thereafter shall remain appropriated for and dedicated wholly and exclusively to such debt service fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 870 CHAPTER 653

AN ACT APPOINTING A COMMISSION TO STUDY TO WHAT EXTENT THE GOVERNMENTAL FUNCTIONS OF THE CITY OF DURHAM AND COUNTY OF DURHAM MAY BE CONSOLIDATED AND PROVIDING FOR PUTTING SUCH CONSOLIDATION INTO EFFECT, TO THE EXTENT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND THE CITY COUNCIL SUBJECT TO THE APPROVAL OF THE VOTERS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Creation of commission to study question of consolidating governmental functions, City and County of Durham.

SECTION 1. That a commission is hereby created for the purpose of making a study of the advantages to be gained from the consolidation of some or all of the governmental functions of the County of Durham and the City of Durham. The said commission, when appointed, shall make a complete study of the advantages to be derived by the citizens of Durham County from the consolidation of some or all of the functions of government exercised by the county and city, respectively; and the said commission shall, after having made said study, make

Report.

its report in writing to the City Council of the City of Durham and to the Board of Commissioners for the County of Durham with their specific recommendations with regard to such consolidation as may to them be found desirable and for the benefit of the people of the county.

Composition of commission.

SEC. 2. That the said commission shall consist of the Mayor of the City of Durham, the Chairman of the Board of Commissioners for Durham County, two persons selected by the City Council of the City of Durham, two persons selected by the Board of Commissioners for the County of Durham, and three other citizens of Durham County who shall be selected by the six members of said commission hereinbefore mentioned. The said commission shall organize by electing one of its members as chairman thereof and a secretary who may or may not be a member of the said commission.

Organization.

Provision for expenses.

SEC. 3. That the City Council of the City of Durham and the Board of Commissioners for the County of Durham are hereby authorized to appropriate funds to pay the reasonable expenses of said commission in making said study; *provided, however,* that the members of said commission shall serve on said commission without pay or compensation.

Service by members without pay.

Action on commission recommendations by governing boards, City and County.

SEC. 4. That within thirty days after said report of said commission is filed as herein provided, the City Council of the City of Durham and the Board of Commissioners for the County of Durham shall by resolution determine whether or not they approve the recommendations of the said commission, and, if said recommendations are approved by a majority vote of both of said bodies, the question as to the approval of the said consolidation, to the extent recommended, shall be submitted to a vote of the qualified voters of Durham County at the county primary election to be held in June, 1948. If a majority of the votes cast in said primary favor the consolidation provided for in the said report, the same shall be put into effect by the county and the city on the first day of July, 1949. In the said primary election, those favoring the consolidation recommended shall vote ballots on which shall be written or printed "For Consolidation of County and City Governments as Recommended by the Commission"; those opposed shall vote ballots on which shall be written or printed "Against Consolidation of County and City Governments as Recommended by the Commission." Said election shall be conducted by the county board of elections at the same time the State-wide primary is held in the same manner that other elections are held for similar purposes.

Consolidation of functions subject to referendum.

Effect of favorable vote at election.

Form of ballots.

Conduct of election.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 871 CHAPTER 654

AN ACT TO AMEND CHAPTER 645 OF THE SESSION LAWS OF 1943 RELATING TO RURAL POLICEMEN OF ANSON COUNTY BY ASSIGNING TO THE SHERIFF THE SUPERVISION OF THE RURAL POLICE FORCE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 645 of the Session Laws of 1943 is hereby amended by striking out the words "its supervision and be responsible to it" in line 13 of Section 1 of said Chapter 645, and inserting in lieu thereof the following: Ch. 645, Session Laws, 1943, amended.

the direction and control of the Sheriff of Anson County who, in addition to and as part of his duties as sheriff, shall exercise supervision and control over the rural police force of Anson County, and shall receive as compensation in addition to all other lawful compensation due him such salary as the board of county commissioners may deem commensurate with his increased duties as sheriff: *Provided*, that in no event shall the total compensation of the sheriff from all sources exceed the sum of five thousand dollars ($5,000.00) annually. Supervision and control over rural police by sheriff, Anson County. Extra compensation. Limitation of pay.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 875 **CHAPTER 655**

AN ACT TO AMEND CHAPTER 160, SECTION 200, SUBSECTION 31, OF THE GENERAL STATUTES, AS AMENDED BY HOUSE BILL NO. 5, ENTITLED "'AN ACT TO PERMIT CITIES AND TOWNS IN NORTH CAROLINA TO PROVIDE FOR A SYSTEM OF PARKING METERS DESIGNED TO PROMOTE TRAFFIC REGULATIONS", RATIFIED JANUARY 30TH, 1947, TO PERMIT THE TOWN OF BRYSON CITY TO USE THE PROCEEDS DERIVED FROM THE USE OF PARKING METERS FOR RECREATIONAL PURPOSES AND FOR THE PURCHASE OF EQUIPMENT FOR A FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

G. S. § 160-200 (31), as amended, further amended, as to parking meter system, Bryson City.

SECTION 1. Chapter 160, Section 200, Subsection 31, of the General Statutes, as amended by House Bill No. 5, entitled "An Act to Permit Cities and Towns in North Carolina to Provide for a System of Parking Meters Designed to Promote Traffic Regulations", ratified on the 30th day of January, 1947, is hereby amended by inserting after the sentence in line 17 of the second paragraph of said Subsection ending with the words "cities and towns" and before the sentence beginning with the words "Nothing contained" a new sentence to read as follows:

Use of parking meter proceeds.

In the Town of Bryson City in Swain County, the proceeds derived from the use of such parking meters may be used for recreational purposes and for the purchase of equipment for a municipal fire department.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 883 **CHAPTER 656**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LAURINBURG TO EXCHANGE PORTIONS OF ROPER STREET AND FAIRLY STREET FOR ADJOINING LANDS TO PERMIT STRAIGHTENING OF THESE STREETS.

Preamble:

Need for straightening certain streets, Laurinburg.

WHEREAS, the intersection of Roper Street and Fairly Street in the Town of Laurinburg presents a traffic hazard and point of traffic congestion; and whereas straightening of said streets at said point of intersection will improve this condition, and

Request of town board for authority to effectuate purpose.

WHEREAS, the board of commissioners of said town have requested authority to exchange portions of Fairly Street and Roper Street with the land of the adjacent land owners to the end that these said streets might be straightened; *now, therefore,*

The General Assembly of North Carolina do enact:

Commissioners, Laurinburg, given power to exchange portions, certain streets, to straighten streets.

SECTION 1. That the Board of Commissioners of the Town of Laurinburg be and is hereby authorized and empowered, within its discretion, to exchange portions of Roper Street and Fairly Street for land of adjacent land owners, which in their discretion is necessary for straightening said streets; *provided, however,* that in such exchanges the areas of said streets to be exchanged and the amount of adjacent land to be received therefor shall be in the discretion of the Board of Commissioners of the Town of Laurinburg.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 901 **CHAPTER 657**

AN ACT PROVIDING FOR THE MUNICIPALITIES LOCATED IN LENOIR COUNTY TO SHARE IN THE NET PROFITS ARISING FROM THE OPERATION OF ALCOHOLIC BEVERAGE CONTROL STORES NOW OR HEREAFTER LOCATED IN SAID MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Allocation of part of net profits from A. B. C. stores in Kinston to City.

Time and conditions of payment.

SECTION 1. The City of Kinston, located in Lenoir County, shall be entitled to receive, and there is hereby allocated to said city, twenty-five per cent (25%) of the net profits arising from the sale of intoxicating beverages sold by any alcoholic beverage control store or stores now or hereafter located within the corporate boundaries of said city, and shall receive nothing more. The payment of said portion of the net profits shall be made to the said city at the same time and under the same conditions as payment is made under the law to Lenoir County by the alcoholic beverage control board of said county. It is provided, however, that the City of Kinston shall not participate in said net profits accruing prior to July 1st, 1947.

Allocation of part of net profits from A. B. C. stores in La Grange to Town.

Time and conditions of payment.

SEC. 2. The Town of LaGrange, located in Lenoir County, shall be entitled to receive, and there is hereby allocated to said town, twenty-five per cent (25%) of the net profits arising from the sale of intoxicating beverages sold by any alcoholic beverage control store or stores now or hereafter located within the corporate boundaries of said town, and shall receive nothing more. The payment of said portion of the net profits shall be made to the said town at the same time and under the same conditions as payment is made under the law to Lenoir County by the alcoholic beverage control board of said county. It is provided, however, that the Town of LaGrange shall not participate in said net profits accruing prior to July 1st, 1947.

Allocation of part of net profits from A. B. C. stores in Pink Hill to Town.

Time and conditions of payments.

SEC. 3. The Town of Pink Hill, located in Lenoir County, shall be entitled to receive, and there is hereby allocated to said town, twenty-five per cent (25%) of the net profits arising from the sale of intoxicating beverages sold by any alcoholic beverage control store or stores now or hereafter located within the corporate boundaries of said town, and shall receive nothing more. The payment of said portion of the net profits shall be made to the said town at the same time and under the same conditions as payment is made under the law to Lenoir County by the alcoholic beverage control board of said county. It is provided, however, that the Town of Pink Hill shall not participate in said net profits accruing prior to July 1st, 1947.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after June 30th, 1947. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 904 **CHAPTER 658**

AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF LOUISBURG IN FRANKLIN COUNTY UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

SECTION 1. The County Board of Elections of Franklin County, upon written request of the governing body of the Town of Louisburg in Franklin County, shall call an election as provided by Chapter 160, Section 160-298, of the General Statutes of North Carolina, in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the Town of Louisburg had been filed calling for such an election, which election shall be held at such time as the county board of elections shall specify. At said election there shall be submitted for determination by the qualified voters of the Town of Louisburg voting in such election the question of the adoption (in lieu of the present form of government) of a form of government for the Town of Louisburg defined as "Plan D" as provided by part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council, and a city manager: *Provided,* that the City Council for Louisburg shall consist of six members, including the member serving as mayor, instead of the five members as provided by Article 22 of Chapter 160 of the General Statutes of North Carolina. Provision for election in Louisburg on question of adopting city manager form of government. Composition of City Council.

SEC. 2. The said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter 160 of the General Statutes of North Carolina; in the event the said "Plan D" form of government is adopted at such election, the first election of municipal officers next succeeding the adoption of said "Plan D" form of government, as amended by this Act, shall be held in the manner and at the time prescribed in part 3, Article 21, Advertisement and conduct of election. First election of officers, upon adoption of new form.

Chapter 160 of the General Statutes of North Carolina; *provided, however,* that in the event said "Plan D" form of government, as amended by this Act, shall be adopted at such election, said form of government shall become effective and the municipal year shall begin on the first day of July next following such election, and in lieu of the time for the councilors-elect to qualify as prescribed by Section 160-307 and Section 160-341 of Chapter 160 of the General Statutes of North Carolina, the councilors-elect shall on the first day of July next following such election, and biennially thereafter, meet and be sworn to the faithful discharge of their duties, and their terms of office shall then begin.

Effective date of new form.

Qualification of councilors-elect.

Powers, duties and functions of governing body.

SEC. 3. In the event that said "Plan D" form of government, as amended by this Act, shall be adopted at such election, all powers, duties, functions and authority vested by statute in the governing board or officials of the Town of Louisburg, howsoever designated, shall, upon and after the first day of July, next following such election, be vested in the governing body of the Town of Louisburg as constituted by "Plan D," part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, and shall be performed, exercised and administered by the city council or the city manager in accordance with the terms and provisions of said "Plan D", part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act.

Exercise and administration of powers.

Application of Act.

SEC. 4. This Act shall apply only to the Town of Louisburg, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 905 **CHAPTER 659**

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF BELHAVEN TO APPROPRIATE THE PART OF ALLEN STREET EXTENDING FROM FRONT STREET TO PANTEGO CREEK, AND TO PROVIDE FOR THE USE OF SAID PROPERTY FOR A HOSPITAL.

The General Assembly of North Carolina do enact:

Aldermen of Town of Belhaven, empowered to convey certain land for use as hospital.

SECTION 1. That the Board of Aldermen of the Town of Belhaven be, and it is hereby authorized and empowered, in its discretion, to convey for the use of a hospital to be operated by a non-profit, non-stock corporation which may be organized for said purpose, that part of Allen Street 100 feet wide extending from Front Street southwestwardly to Pantego Creek. The said property shall be conveyed to such hospital as may be determined by the board of aldermen of said town, without consideration other than the benefits to be derived by the citizens of said town from the construction and operation of the hospital on the said property; and said board of aldermen, in its discretion, is hereby fully authorized and empowered to appropriate and use the said property for hospital purposes in any other manner which, in its opinion, will be for the best interest of the people of the said town.

Consideration for conveyance.

Use of property.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 906 **CHAPTER 660**

AN ACT TO AUTHORIZE THE TOWN OF BELHAVEN TO SELL AT PUBLIC SALE THE MUNICIPAL DOCK AND APPLY THE PROCEEDS TO IMPROVING A MUNICIPAL PUBLIC DOCK ON WYNN'S GUT.

The General Assembly of North Carolina do enact:

Aldermen of Town of Belhaven empowered to sell Municipal Dock property.

SECTION 1. The approval of the General Assembly is hereby given and the Board of Aldermen of the Town of Belhaven is hereby authorized and empowered to sell at public sale for cash to the highest bidder, after advertising the same for thirty days by posting a notice at the town hall in the Town of Bel-

Notice of public sale.

haven and by publication once a week for four weeks in some newspaper having a general circulation in Belhaven, that certain property in the Town of Belhaven, known as the Municipal Dock, and described as follows:

Description of property.

Beginning on Front Street at George L. Swindell's northwest corner and running North 43 West with said street a distance of 80 feet; thence South 47 West to Pantego Creek; thence along and with the waters of said creek 80 feet in a southerly direction; thence North 47 East with George L. Swindell's line to the beginning, it being the same lot or parcel of land conveyed by Alice J. Smith and others to William T. Kirk, by deed dated August 12th, 1905, and duly recorded in the Register's Office of Beaufort County in Book 132, page 496, to which reference is hereby made, including the pier and the dock itself.

Conveyance.

Use of sale proceeds.

Vote of people not required.

Said property, when sold, shall be conveyed to the purchaser in fee simple and the proceeds of the sale shall be used by the Board of Aldermen of the Town of Belhaven for the purpose of improving the Municipal Public Dock on Wynn's Gut in the said town. The sale of said property shall be made without being submitted to a vote of the people of said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 922 CHAPTER 661

AN ACT TO AMEND CHAPTERS 523 AND 563 OF THE PUBLIC-LOCAL LAWS OF 1925, WITH REFERENCE TO THE HOLDING OF CARNIVALS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Chs. 523 and 563, Public-Local Laws, 1925, amended, as to regulation of carnivals, Vance County.

SECTION 1. That Section 1 of Chapter 563 of the Public-Local Laws of 1925, amending Section 1 of Chapter 523 of said laws, be, and the same hereby is, amended by striking out the period at the end of said Section and the quotation marks following the same and substituting in lieu thereof a semicolon and adding thereto the following:

Provided, further, that this Section shall not apply to any carnival or amusement enterprise conducted under the auspices of Post No. 60 of the American Legion in said county; *provided* said carnival or amusement enterprise is not conducted within sixty days of the holding of the agricultural fair conducted by the Golden Belt Fair Association, Incorporated.

Exception of carnivals sponsored by American Legion Post No. 60, subject to time limitation.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. B. 24 CHAPTER 662

AN ACT TO MAKE APPROPRIATIONS FOR PERMANENT IMPROVEMENTS OF STATE INSTITUTIONS, DEPARTMENTS, AND AGENCIES AND CONSTRUCTION OF BUILDINGS AND PERMANENT IMPROVEMENTS FOR THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That this Act shall be known as the Permanent Improvement Appropriation Act of 1947.

Title of Act.

SEC. 2. That for the purpose of constructing buildings and other permanent improvements, and acquiring and installing equipment, and acquiring sites therefor, if necessary, at the educational, charitable, and correctional institutions and departments and agencies of the State, hereinafter mentioned, there is hereby appropriated out of the General Fund of the State the sum of $48,432,256.00 for permanent improvements as set out in this Act.

General purpose of Act.

Appropriation for permanent improvements, State institutions, etc.

SEC. 3. The funds to cover the appropriations herein authorized shall be transferred from the General Fund into a special fund to be designated "Permanent Improvement Fund of 1947" and be disbursed only for the purposes provided in this Act upon warrants drawn by the State Auditor, which warrants shall not be drawn for any State institution, department, or agency until a requisition has been approved by the Director of the Budget, and which requisition shall be approved only after full compliance with the Executive Budget Act, Chapter

Transfer of general funds.

Disbursements.

Requisitions.

Removal from office of officials overspending appropriations.

100 of the Public Laws of 1929. Any officer of the State or executive head of any institution, or any director, trustee, or commissioner in any State institution, department or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department or agency than is appropriated therefor, may be removed from office by the Governor. Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any of the improvements herein referred to, may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Custody and disposition of additional moneys from other sources.

Appropriations for permanent improvement, enlargement and equipment.

SEC. 4. That the appropriations as herein provided, in the following amounts and for the following purposes: For the permanent improvement, enlargement and equipment of the following institutions, departments and agencies and buildings of the State, and acquiring sites therefor:

Educational Institutions.

EDUCATIONAL INSTITUTIONS

University of North Carolina.

University of North Carolina		$7,844,800
For the following specific purposes:		
1. Library Addition:		
(a) Building	$1,140,000	
(b) Equipment	75,000	
2. Expansion of Utilities	$1,310,000	
(a) Water, Sewage and Electric Light Extension	$ 50,000	
(b) Walks, Sewage, Electric Line Extension New Areas	25,000	
(c) Sewage Disposal Plant	225,000	
(d) 3,000,000 gallon filter plant	400,000	
(e) Boiler at power plant	300,000	
(f) Electric Turbo-generator	300,000	
(g) Clock System	10,000	
3. Additions to Lenoir Dining Hall:		
(a) Building	174,000	
(b) Equipment	60,000	
4. Additions to Laundry:		
(a) Building	60,800	
(b) Equipment	35,000	
5. To retire the loan made to the Uni-		

	versity of N. C. Foundation for the construction of three dormitories	1,200,000	
6.	Medical School and Teaching Hospital	3,790,000	
	(a) Hospital—400 beds	$3,200,000	
	(b) Hospital Equipment	600,000	
	(c) Additions to Medical School Building	200,000	
	(d) Nurses Home and Training School Quarters and Equipment	840,000	
	(e) 100 homes for internes and residents	450,000	
Total Medical School		$5,290,000	
Less: Hill Burton Federal Funds		1,500,000	
State College of Agriculture and Engineering			$6,485,333

State College of Agriculture and Engineering.

For the following specific purposes:

1.	New Boilers	$ 600,000	
2.	Cafeteria and Dining Hall:		
	(a) Building	333,000	
	(b) Equipment	60,000	
3.	General Engineering Laboratory Building:		
	(a) Building	965,333	
	(b) Equipment	245,000	
	1. Chemical Engineering	$ 125,000	
	2. Aeronautical Engineering	75,000	
	3. Industrial Engineering	25,000	
	4. Extension	10,000	
	5. Administration Office	10,000	
4.	Agronomy Building:		
	(a) Building	800,000	
	(b) Equipment	100,000	
5.	Additions to Textile Building:		
	(a) Building	450,000	
	(b) Equipment	50,000	
6.	Poultry Building:		
	(a) Building	150,000	
	(b) Equipment	25,000	
7.	Renovation of Winston Hall	40,000	
8.	Two Barns	25,000	
9.	Four Greenhouses	12,000	
10.	Head House for greenhouses	40,000	
11.	Repair Shops—Physical Plant	75,000	

	12. Addition to Electrical Building:		
	(a) Building	200,000	
	(b) Equipment	25,000	
	13. To complete Armory-Colosseum	350,000	
	14. Utilities Tunnel	60,000	
	15. Mechanical Engineering Building:		
	(a) Building	650,000	
	(b) Equipment	130,000	
	16. To retire loan made to State College Foundation for construction of two dormitories	$1,100,000	
Woman's College of U. N. C.	Woman's College of the University of North Carolina		$3,177,600
	For the following specific purposes:		
	1. Laundry and Shops:		
	(a) Building	101,600	
	(b) Equipment	20,000	
	2. Student Union:		
	(a) Building	300,000	
	Total Cost	$ 400,000	
	Less: Funds on hand	100,000	
	(b) Equipment	50,000	
	3. Two Dormitories:		
	(a) Building	600,000	
	(b) Equipment	36,000	
	4. Dining Hall Renovations:		
	(a) Building	200,000	
	(b) Equipment	25,000	
	5. Infirmary:		
	(a) Building	250,000	
	(b) Equipment	30,000	
	6. Library:		
	(a) Building	700,000	
	(b) Equipment	75,000	
	7. Home Economics Building:		
	(a) Building	520,000	
	(b) Renovation Present Building	20,000	
	(c) Equipment	100,000	
	8. Extension and Renovation of Utilities, Walks, and Drives	150,000	
Agricultural Experiment Station, State College.	Agricultural Experiment Station—N. C. State College of Agriculture and Engineering	$ 241,200	

For the following Specific Purposes:			
1. Nutrition Calf Barn	4,000		
2. Beef Cattle Barn	20,000		
3. Feed and Machinery Shed	10,000		
4. Farm Shop	4,700		
5. Poultry Research Plant	150,000		
6. Three Greenhouses	15,000		
7. One Headhouse	5,000		
8. Packing and Machinery Shed—Sandhill Peach Orchard	5,000		
9. Small Laboratory Building—Hendersonville Horticultural Research Unit	5,000		
10. Implement Shed—McCullers Branch Station	6,500		
11. Two Tobacco Barns—McCullers Branch Station	2,500		
12. One Packhouse—McCullers Branch Station	3,500		
13. One Tobacco Processing House—State College	10,000		
East Carolina Teachers College		$2,118,100	East Carolina Teachers College.
For the following specific purposes:			
1. Improvements in lighting of buildings	35,000		
2. Workshop and Warehouse:			
(a) Building	62,000		
(b) Equipment	5,000		
3. Additions to Laundry:			
(a) Building	12,000		
(b) Equipment	14,800		
4. Power Plant Improvements	200,000		
5. Weatherstripping Windows	8,300		
6. Replacing Water Pipes in Buildings	14,000		
7. Accoustical treatment—two auditoriums	16,000		
8. Gymnasium and Physical Education Building:			
(a) Building	450,000		
(b) Equipment	40,000		
9. Convert Ragsdale Hall into Dormitory for men:			
(a) Repairs	10,000		
(b) Equipment	5,000		

10.	Teachers' Dormitory to replace Ragsdale Hall:		
	(a) Building	125,000	
	(b) Equipment	5,000	
11.	Dormitory for Men:		
	(a) Building	325,000	
	(b) Equipment	20,000	
12.	Library:		
	(a) Building	405,800	
	(b) Equipment	40,200	
13.	Heat and Water Extensions to New Buildings	50,000	
14.	Additional Training School Building:		
	(a) Building	250,000	
	(b) Equipment	25,000	

Negro Agricultural and Technical College. Negro Agricultural and Technical College $2,038,845

For the following specific purposes:

1.	Agriculture Science Building:		
	(a) Building	300,000	
	(b) Equipment	40,000	
2.	Gymnasium and Armory:		
	(a) Building	363,000	
	(b) Equipment	40,000	
3.	Library:		
	(a) Building	400,000	
	(b) Equipment	50,000	
4.	Farm, Dairy and Poultry Plants	26,345	
	Machinery and Tool House	2,000	
	(b) Farm Tractor and Machinery	3,000	
	(c) 1 Two Story Laying House	4,350	
	(d) 1 Breeding House	1,500	
	(e) 3 Breeding Pens	900	
	(f) 1 Brooder House	2,650	
	(g) 1 Utility Feed House	2,025	
	(h) 12 Pullet Houses	720	
	(i) 1 Hog House	1,450	
	(j) 15 Type "A" Hog Houses	750	
	(k) 1 Utility House for Feed and Dressing	2,000	
	(l) 1 Dwelling for Superintendent of Poultry and Piggery Plant	5,000	
5.	Home Economics and Commercial Dietetics Building:		
	(a) Building	$ 106,000	
	(b) Equipment	15,000	

6. Residence for President of College:			
(a) Building	18,000		
(b) Equipment — Stove & Refrigerator	500		
7. Land for Campus	100,000		
8. Addition to kitchen Building:			
(a) Building	70,000		
(b) Equipment and Refrigeration	15,000		
9. Additional Heating Equipment	100,000		
10. Addition to Laundry Building:			
(a) Building	30,000		
(b) Laundry and Dry Cleaning Equipment	25,000		
11. Addition to Trades Building:			
(a) Building	200,000		
(b) Equipment	50,000		
Infirmary and Equipment	90,000		
Western Carolina Teachers College		$1,334,200	Western Carolina Teachers College.
For the following specific purposes:			
1. Science — Classroom Building:			
(a) Building	525,000		
(b) Equipment	72,000		
2. Dormitory for Men:			
(a) Building	254,300		
(b) Equipment	5,800		
3. Library:			
(a) Building	264,800		
(b) Equipment	40,000		
4. Laundry:			
(a) Building	27,300		
(b) Equipment	20,000		
5. Alterations and Repairs to Buildings	75,000		
6. Extension of Water, Electric, Heating and Sewer Services	40,000		
7. Construction of Driveways, Walkways, and Parking Spaces and Landscaping about new structures	10,000		
Appalachian State Teachers College		$1,915,500	Appalachian State Teachers College.
For the following specific purposes:			
1. Apartment House	$ 150,000		
2. Ten (10) Teachers Homes	100,000		
3. Boys' Dormitory:			
(a) Building	375,000		
(b) Equipment	25,000		

	4. Girls' Dormitory:		
	(a) Building	235,000	
	(b) Equipment	15,000	
	5. Remodeling and Enlarging Demonstration School and Equipment	250,000	
	6. Enlarging Library Building and Equipment	200,000	
	7. Laundry and Shop Building	50,000	
	8. Power Plant	197,500	
	(a) Boiler and Equipment	$ 91,500	
	(b) Building and Chimney	41,000	
	(c) Generator	65,000	
	9. Arts and Music Building	318,000	
Pembroke State College for Indians.	Pembroke State College for Indians		$ 387,000
	For the following specific purposes:		
	1. President's Home	12,000	
	2. Science and Home Economics building and Equipment	200,000	
	3. Administration and Library Building and Equipment	175,000	
Winston-Salem Teachers College.	Winston-Salem Teachers College		$ 615,000
	For the following specific purposes:		
	1. Physical Education and Gymnasium:		
	(a) Building	$ 325,000	
	(b) Equipment	40,000	
	2. Remodeling Two Girls' Dormitories, Plumbing and Wiring in Boys' Dormitory, Improvements to Steam Plant	100,000	
	3. Addition to Boys' Dormitory:		
	(a) Building	90,000	
	(b) Equipment	10,000	
	4. Drives, Walks and Recreation Areas	40,000	
	5. Equipment for Recreation Areas	10,000	
Elizabeth City State Teachers College.	Elizabeth City State Teachers College		$ 638,800
	For the following specific purposes:		
	1. Physical Education and Fine Arts:		
	(a) Building	$ 244,500	
	(b) Equipment	30,000	
	2. Rebuilding and enlarging Lane and Symera Halls and Dining Room	200,000	
	3. Laundry	25,000	
	4. Science Hall and Equipment	139,300	
Fayetteville State Teachers College.	Fayetteville State Teachers College		$ 391,274

For the following specific purposes:			
1. Kitchen and Dining Hall Improvements	16,000		
2. Library Addition and Renovation:			
(a) Building	33,334		
(b) Equipment	4,500		
3. Improvement of Bickett Hall	25,000		
4. Women's Dormitory:			
(a) Building	145,388		
(b) Equipment	10,000		
5. Repairing and Moving President's Home	2,500		
6. Vance Hall Repaired and Converted into Boys' Dormitory:			
(a) Renovation	7,500		
(b) Equipment	3,000		
7. Enlargement and Improvement of Athletic Field	5,000		
8. Extension of Gymnasium Balconies	4,500		
9. Repairs to other Buildings	9,800		
10. Teacherage for Married Teachers:			
(a) Building	47,500		
(b) Equipment	7,000		
11. Teacherage Single Female Teachers			
(a) Building	64,252		
(b) Equipment	6,000		
The North Carolina College at Durham		$2,065,000	The North Carolina College at Durham.
For the following specific purposes:			
1. Library — General and Law and Equipment	550,000		
2. Public Health Education and Nursing building	100,000		
3. Dormitories and Equipment	700,000		
4. Classroom Building	250,000		
5. Infirmary and Health Center	100,000		
6. Domestic Science Building	70,000		
7. Renovation of Present Library	15,000		
8. President's Home	25,000		
9. Storage Building	10,000		
10. Walks and Drives	15,000		
11. Apartment House	100,000		
12. Home Economics Practice House	30,000		
13. Gymnasium and Athletic Field	100,000		
North Carolina School for the Deaf		$ 172,000	North Carolina School for the Deaf.

For the following specific purposes:

1.	Sewage Disposal	$ 40,000
2.	Water System	50,000
3.	Alterations and Additions to Main Building	50,000
4.	Business Managers Residence	12,000
5.	Fireproofing Power House	20,000

State School for the Blind and the Deaf.

State School for the Blind and the Deaf ... 617,800

For the following specific purposes:

White Department.

White Department:

1.	Residence for Principal:	
	(a) Building	10,000
	(b) Equipment — Refrigerator and Stove	400
2.	Remodel Cottage "O":	
	(a) Renovation	43,200
	(b) Equipment	7,000
3.	Remodel Gymnasium Shower and Dressing Rooms:	
	(a) Renovation	18,800
	(b) Equipment	900
4.	Library Annex:	
	(a) Building	101,000
	(b) Equipment	7,000
5.	Industrial Arts Building:	
	(a) Building	15,000
	(b) Equipment	1,000
6.	Resurfacing Driveways	4,900
7.	Renovation of Swimming Pool	7,500

Colored Department.

Colored Department:

8.	Auditorium and Extra Classrooms:	
	(a) Building	130,000
	(b) Equipment	6,500
9.	Girls' Dormitory:	
	(a) Building	115,000
	(b) Equipment	3,000
10.	Residence for the Principal:	
	(a) Building	10,000
	(b) Equipment — Refrigerator & Stove	400
11.	Gymnasium:	
	(a) Building	127,000
	(b) Equipment	4,000
12.	Surfacing Driveways	5,280

CHARITABLE AND CORRECTIONAL INSTITUTIONS

Charitable and Correctional Institutions.

State Hospital at Raleigh		$2,092,334	State Hospital at Raleigh.
For the following specific purposes:			
1. Building for Disturbed Men:			
(a) Building — Capacity 100	332,800		
(b) Equipment	10,000		
2. Building for Epileptic Children:			
(a) Building — Capacity 100	228,800		
(b) Equipment	10,000		
3. Renovation of Criminal Insane Building	170,000		
4. Renovation of Harvey Building for Patients:			
(a) Renovation	45,000		
(b) Equipment	7,600		
5. Renovation of Royster Building for Patients:			
(a) Renovation	35,000		
(b) Equipment	5,800		
6. Five Staff Cottages	50,000		
7. Laundry Addition:			
(a) Building	40,000		
(b) Equipment	60,000		
8. Cannery Building:			
(a) Building	10,500		
(b) Equipment	3,500		
9. Storage Building for General Supplies	30,000		
10. Implement Shed	10,000		
11. Rain Shelters	3,000		
12. Farm Fencing	5,000		
13. Abbattoir and Equipment	25,000		
14. Milk Handling Plant and Equipment	22,000		
15. Hay and Sleeping Barn and Silos	25,000		
16. Ice and Refrigeration Plant and Equipment	30,000		
17. Admissions and Hospital Building	1,000,000		
18. New Power Plant and Equipment	692,000		
19. Steam Tunnels	115,000		
20. Electric Distribution System	50,000		

	21. Extension of Water, Sewer and Fire Protection Lines for all New Buildings	40,000	
	Total Purposes	3,056,000	
	Less: Hill-Burton Federal Funds	963,666	
State Hospital at Morganton.	State Hospital at Morganton		1,795,992
	For the following specific purposes:		
	1. Farm Colony Building	250,000	
	2. Addition to Nurses Home	155,000	
	3. Male Employees Quarters	175,000	
	4. Two 6-Room Staff Cottages	20,000	
	5. Service Building	500,000	
	6. Power Plant Additions and Improvements	432,000	
	(a) Extension to Present Building	$ 90,000	
	(b) Steam Boiler and Equipment	75,000	
	(c) Electric Generating Equipment	85,000	
	(d) Switchboard and Electric Wiring	15,000	
	(e) Power Plant Piping Instruments, Pumps, Etc.	50,000	
	(f) Coal Handling Equipment	35,000	
	(g) Ash Handling Equipment	12,000	
	(h) New Chimney	10,000	
	(i) Extension of Steam Lines and Tunnels, etc	60,000	
	7. Expansion and Preservation of Farm Properties:		
	(a) Three Tile Silos	9,000	
	(b) Two Hay Curing Barns	7,000	
	(c) Fireproof Dairy and Feed Barn	50,000	
	(d) Farm Fencing	5,000	
	8. Water Supply Improvement:		
	(a) Repairs to Existing System and Connections	$ 12,500	
	(b) Supplement to City of Morganton Plant	95,000	
	(c) Supplement to Size of City of Morganton Raw Water Pumping Station	8,000	
	(d) Supplement to Size of City of Morganton Raw Water Line	7,500	

9.	Sewerage System Improvements:			
	(a) Collecting Lines to Deliver Sewage to Points on Hunting Creek Connecting to City Sewers	48,736		
	(b) Cost to Supplement City Sewage Treatment Plant	60,000		
10.	Garage and Machine Shop	17,500		
11.	Hospital and Admission Wards (Capacity 260)	800,000		
	Total Purposes	2,652,236		
	Less: Hill Burton Federal Funds	856,244		
State Hospital at Goldsboro			$1,525,200	State Hospital at Goldsboro.

For the following specific purposes:

1.	Two Three-Story U-Shaped Buildings and Equipment	840,000
2.	One Three-Story L-Shaped Building	254,900
3.	Alteration and enlargement of Kitchen and Storage Building	90,000
4.	Cold Storage Plant and Equipment	46,000
5.	Power Plant Expansion and Improvement	296,500
	(a) Extension to Building	30,000
	(b) Steam Generators and Equipment	150,200
	(c) Electric Generators and Equipment	116,300
6.	Remodel Electric Distribution System	14,000
7.	Additions to Water Softening Plant	4,000
8.	Ice Making Plant	18,000
9.	Extension of Utilities and Fire Protection of New Buildings	40,000
10.	Three 6-Room Staff Houses	24,000
11.	Four 5-Room Cottages	24,000
12.	Five 8-Room Duplex Cottages	45,000
13.	Nurses Home and Equipment	105,000
14.	Occupational Therapy and Sewing Room	116,400
15.	Equipment for Kitchen	20,000
16.	Furnishings and Equipment for Patients Buildings and Nurses Home	10,000
17.	PBX Telephone System	4,000

18.	Residence for Superintendent	15,000	
19.	Plumbing and Sewer Outfall and Pumping Station	50,000	
20.	New 250,000 Gallon Water Tank	38,000	
21.	Chapel and Auditorium	154,000	
	Total Purposes	2,208,800	
	Less: Hill-Burton Federal Funds	683,600	
Caswell Training School.	Caswell Training School		$2,551,750

For the following specific purposes:

1.	Renovation of Dewey Building:	
	(a) Renovation	20,000
	(b) Equipment	2,000
2.	Two Dormitories for Moron and Imbecile Boys:	
	(a) Building — Capacity 280	474,000
	(b) Equipment	16,000
3.	Two Dormitories for Moron and Imbecile Girls:	
	(a) Building — Capacity 280	474,000
	(b) Equipment	16,000
4.	Dormitory for Idiot Boys:	
	(a) Building — Capacity 60	126,000
	(b) Equipment	3,000
5.	Dormitory for Idiot Girls:	
	(a) Building — Capacity 60	126,000
	(b) Equipment	3,000
6.	Remodel Tapp Building:	
	(a) Renovation	35,000
	(b) Equipment	1,500
7.	Renovation of Dawson, McNairy, Cartwright, Austin and Hospital Buildings	132,000
8.	Renovation of First Floor of Central Building	10,000
9.	Repair Roof on Auditorium	10,000
10.	New Dormitory for 30 men employees:	
	(a) Building	75,000
	(b) Equipment	3,000
11.	Staff House and Nurses Home:	
	(a) Building	85,000
	(b) Equipment	7,000
12.	Three Houses for Administrative Personnel	30,000
13.	Renovating and Expanding Power Plant	400,000

14.	Renovation of Kitchen:			
	(a) Building	30,000		
	(b) Equipment	10,500		
15.	Renovation of Children's Dining Room	20,000		
16.	New Additions to Children's Dining Room:			
	(a) Building	73,000		
	(b) Equipment	20,000		
17.	Renovation of Leonard Hall for Employees Cafeteria:			
	(a) Building	16,000		
	(b) Equipment	5,000		
18.	Cold Storage Plant and Equipment	44,000		
19.	Canning House and Equipment	10,000		
20.	Addition to Laundry Building:			
	(a) Building	10,000		
	(b) Equipment	8,000		
21.	Sewage Disposal Plant	52,000		
22.	Campus Light System	5,000		
23.	Sidewalks and Drives	5,000		
24.	Sweet Potato Curing House	8,000		
25.	Storage House for Curing Meat	7,000		
26.	Mill House for Feed-Grinding and Mixing	5,500		
27.	Poultry Unit	12,000		
28.	Silo	2,500		
29.	Storage Building for Farm Equipment (School Farm)	8,250		
30.	Storage Building for Farm Equipment (Hill Farm)	7,500		
31.	Dormitory for Women:			
	(a) Building	55,000		
	(b) Equipment	4,000		
32.	General Storage Building	30,000		
33.	Fireproof Milk Barn:			
	(a) Building	25,000		
	(b) Equipment	5,000		
34.	Fireproof Dairy and Feed Barn	25,000		
North Carolina Orthopedic Hospital			$ 53,500	North Carolina Orthopedic Hospital.

For the following specific purposes:

1.	Additional Storage Room and Additional Linen and Sewing Room	20,000
2.	Duplex Apartment for Resident Physicians	15,000

	3. Servants Quarters	13,900	
	4. Coal Bunker	2,500	
	5. Paving Driveways, Walks, etc.	2,000	
The North Carolina Sanatorium.	The North Carolina Sanatorium		$ 537,400
	For the following specific purposes:		
	1. Turbo-Generator Unit	95,000	
	2. Addition to Laundry	15,000	
	3. Heavy Duty Incinerator	4,000	
	4. Fireproofing and Remodeling or Replacing Left Wing of Main Building of White Division	168,000	
	5. Fireproofing and Remodeling Left Wing of Main Building of Negro Division	187,500	
	6. Fireproofing and Remodeling the Center Part of Main Building of Negro Division	64,500	
	7. Home for Colored Nurses	80,600	
	8. New Dietary Department and Auditorium:		
	(a) Building	75,000	
	(b) Equipment	25,000	
	9. Cold Storage Unit	21,000	
	10. Utility Building	40,000	
	Total Purposes	775,600	
	Less: Hill-Burton Federal Funds	238,200	
Western North Carolina Sanatorium.	Western North Carolina Sanatorium		$ 105,967
	For the following specific purposes:		
	1. Addition to Nurses Home	44,000	
	2. Apartment House	53,950	
	3. Alterations to Third Floor of Administration Building	20,000	
	4. Equipment for Addition to Nurses Home Apartment House and Third Floor Administration Building	10,000	
	5. Superintendent's Residence	12,000	
	6. Physician's Residence	9,000	
	7. Cold Storage Unit	10,000	
	Total Purposes	158,950	
	Less: Hill-Burton Federal Funds	52,983	
Eastern North Carolina Sanatorium.	Eastern North Carolina Sanatorium		$ 672,481
	For the following specific purposes:		
	1. New Wing for White Patients:		
	(a) Building	255,160	
	(b) Equipment	19,000	

2. New Wing for Colored Patients:				
(a) Building	255,160			
(b) Equipment	14,000			
3. White Nurses' Residence:				
(a) Building	60,000			
(b) Equipment	6,000			
4. Colored Nurses' Residence:				
(a) Building	44,000			
(b) Equipment	5,000			
5. Administrative Unit at Colored Division:				
(a) Building (Without Auditorium)	127,750			
(b) Equipment	16,000			
6. Landscaping	7,500			
7. Staff Quarters:				
(a) Building	70,000			
(b) Equipment	5,000			
8. Garages and Workshop	12,000			
9. Rearrangement of Kitchen	5,000			
10. Central Radio and Public Address System	5,000			
11. Garbage Container Storage Room	10,000			
12. Auditorium and Operating Room:				
(a) Building	75,000			
(b) Equipment	16,800			
Total Purposes	1,008,370			
Less: Hill-Burton Federal Funds	335,889			
Stonewall Jackson Training School		$ 257,500	Stonewall Jackson Training School.	
For the following specific purposes:				
1. Additions to Fifteen Cottages	37,500			
2. Heating Plants	85,000			
3. Laundry Building	10,000			
4. Central Dining Hall, Bakery and Refrigeration	125,000			
State Home and Industrial School for Girls		$ 302,000	State Home and Industrial School for Girls.	
For the following specific purposes:				
1. Renovation of Present Buildings	60,000			
2. Two Dormitories and Equipment	150,000			
3. Dairy barn, silo and feed barn	50,000			
4. Cold Storage, milk handling equipment, and cannery	42,000			
Morrison Training School		$ 108,600	Morrison Training School.	

For the following specific purposes:

1. General Vocational Building:		
(a) Building	60,000	
(b) Equipment	10,000	
2. Poultry Houses and Piggery	3,600	
3. Repairs and Additions to Kitchen	15,000	
4. Three Classrooms and one Laboratory	20,000	

Eastern Carolina Training School. Eastern Carolina Training School ..... $ 20,000

For the following specific purposes:

1. Garage	5,000	
2. Two Houses for Staff	15,000	

Dobbs Farms. Dobbs Farms ..... $ 242,000

For the following specific purposes:

1. New Wells	5,000	
2. Galvanized Tank	5,000	
3. Septic Tank Size to be Doubled	4,000	
4. Chicken Houses, Pig Pens, Repair and Paint Barns	3,000	
5. Two dormitories and equipment	150,000	
6. Dining room and kitchen	75,000	

N. C. Hospital for Treatment of Spastic Children. North Carolina Hospital for Treatment of Spastic Children ..... $ 300,000

For the following specific purposes:

1. Hospital Building:		
(a) Building	360,000	
(b) Equipment and Service	40,000	
Total Purposes	400,000	
Less: Hill-Burton Federal Funds	100,000	

Departments and Agencies. DEPARTMENTS AND AGENCIES

Board of Public Buildings and Grounds. Board of Public Buildings and Grounds $ 800,000

For the following specific purposes:

1. Addition to Education Building	500,000	
2. Storage and Warehouse	300,000	

Medical Care Commission. Medical Care Commission $6,250,000

For the following specific purposes:

1. Medical Centers and Local Hospitals (⅓ of cost)		6,250,000
STATE COMMISSION FOR THE BLIND		
1. Reconditioning Center for the Blind & Equipment		275,000
Department of Conservation and Development — Parks		$ 500,000
1. Cliffs of the Neuse State Park	57,000	
2. Crabtree Creek State Park	94,000	
3. Fort Macon State Park	30,000	
4. Hanging Rock State Park	93,000	
5. Jones Lake Recreational Area	30,000	
6. Morrow Mountain State Park	93,000	
7. Mount Mitchell State Park	56,000	
8. Pettigrew State Park	30,000	
9. Singletary Lake Group Camp	17,000	

State Commission for the Blind.

Department of Conservation and Development—Parks.

SEC. 5. That the Director of the Budget is hereby authorized and empowered to make transfers and changes between the appropriations made in this Act, within the appropriations made to each agency, to provide changes to permit completion of the projects as described in the appropriations.

Authority of Budget Director to make transfers and changes between appropriations.

SEC. 6. That the several institutions, departments and agencies of the State are hereby fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grants in aid for the construction of the several purposes mentioned in this Act and to receive and expend the same in accordance with the terms of such grants and in conformity with the laws of this State, and may employ architects, engineers, and make all necessary contracts in connection with the said projects, and shall have further authority to acquire the necessary sites for the construction of such improvements. The Governor, or such agency or person as may be designated by him, is fully authorized and empowered to make applications to and receive such grants in aid as may be made by any agency or agencies of the United States of America for the construction and renovation of buildings and improvements referred to in this Act, and equipping the same and acquiring sites therefor.

Power of institutions and agencies to apply for Federal grants-in-aid.

Employment of architects, etc.

Project contracts; acquisition of building sites.

Power of Governor to apply for and receive grants-in-aid.

SEC. 7. That the Board of Public Buildings and Grounds is hereby authorized, empowered and directed to erect and equip the buildings and structures of the State for which appropriations are made in this Act, and to acquire the necessary sites therefor.

Powers and duties, Board of Public Buildings and Grounds.

Availability of appropriations, subject to action of Governor and Advisory Budget Commission.

SEC. 8. That the appropriations for permanent improvements as contained in this Act for departments, institutions and agencies of the State shall not be available for expenditure until the Governor and the Advisory Budget Commission shall have determined the time best suited, in their opinion, for the State to secure the greatest benefits from the expenditure of these appropriations and shall have approved the date for starting these permanent improvement projects. It is intended that authorization may be given for the starting of any particular project as provided herein for any State department, institution, or agency at any time deemed wise and proper by the Governor and the Advisory Budget Commission without authorizing all projects to be begun.

Reversion of balances to General Fund.

SEC. 9. That any funds remaining in these permanent improvement appropriations for departments, institutions and agencies of the State as contained herein, which may remain after the purposes of these appropriations have been met shall revert to the General Fund of the State.

Appropriations for Four Year Medical School and Teaching Hospital, for Medical Centers and Local Hospitals, conditional.

SEC. 10. That the appropriations provided in this Act for the construction of a Four Year Medical School and Teaching Hospital at the University of North Carolina and for the Medical Care Commission for the construction of Medical Centers and Local Hospitals shall not be available for expenditure unless and until the Federal Government has appropriated and provided funds to cover at least one third (⅓) of the cost of construction.

Appropriations to State Hospital at Morganton for cooperation with said Town, not grants-in-aid.

SEC. 11. The appropriations made to the State Hospital at Morganton and the North Carolina School for the Deaf at Morganton for the purpose of permitting these institutions to cooperate with the Town of Morganton in the matter of providing joint water supply and sewage disposal systems are not grants in aid to the Town of Morganton. Expenditures out of these appropriations shall be on an equitable basis in relation to requirements for facilities by the institutions as compared to the needs and requirements of the town. It is intended that the State shall provide only for its proportionate part of the cost of these facilities. Plans and specifications shall be approved by the State Board of Health and by the Budget Bureau before funds are available for expenditure.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. B. 50 **CHAPTER 663**

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 49 OF THE GENERAL STATUTES RELATING TO LEGITIMATION OF CHILDREN BORN OUT OF WEDLOCK.

The General Assembly of North Carolina do enact:

SECTION 1. Section 49-10 of the General Statutes is hereby rewritten to read as follows: G. S. § 49-10, rewritten.

The putative father of any child born out of wedlock may apply by a verified written petition filed in a special proceeding in the Superior Court of the county in which he resides, praying that such child be declared legitimate. The mother, if living, and the child shall be necessary parties to the proceeding, and the full names of the father, mother and the child shall be set out in the petition. If it appears to the court that the petitioner is the father of the child, the court may thereupon declare and pronounce the child legitimated; and the full names of the father, mother and the child shall be set out in the court order decreeing legitimation of the child. The Clerk of the Court shall record the order in the record of orders and decrees and it shall be cross-indexed under the name of the father as plaintiff or petitioner on the plaintiffs' side of the cross-index, and under the name of the mother, and the child as defendants or respondents on the defendants' side of the cross-index.

Special Proceeding by father of child born out of wedlock for legitimation.

Necessary parties.

Court order.

Recording and cross-indexing of court order.

SEC. 2. Section 49-12 of the General Statutes is hereby amended as follows: G. S. § 49-12, amended as to terminology.

(a) Strike out "illegitimate" in line 1 and insert after the word child in line 1 "born out of wedlock."

SEC. 3. Chapter 49 of the General Statutes is hereby further amended by adding a new Section to read as follows: G. S., Ch. 49, amended by adding new section.

G. S. 49-13. New birth certificate on legitimation. A certified copy of the order of legitimation when issued under the provisions of G. S. 49-10 shall be sent by the Clerk of Superior Court under his official seal to the State Registrar of Vital Statistics who shall then make a new birth certificate bearing the full name of the father. Procedure for new birth certificate on legitimation.

When a child is legitimated under provisions of G. S. 49-12 the State Registrar of Vital Statistics shall make a new birth certificate bearing the full name of the father upon presenta-

tion of a certified copy of the marriage license issued to the father and the mother of the child.

Effective date.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 397 **CHAPTER 664**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ALBEMARLE AND TO AUTHORIZE THE CITY TO PURCHASE CERTAIN WATER AND SEWER LINES AND PAY FOR SIDEWALK, CURB, GUTTER AND STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Extension of corporate limits, City of Albemarle.

SECTION 1. That the corporate limits of the City of Albemarle be, and they are hereby extended to include a strip of land lying around the present corporate limits, as follows, to-wit:

Description of enlarged corporate area.

Beginning at the center of Long Creek Bridge on the Charlotte Highway, State Highway No. 27, which point is 7408 feet from the intersection of Main and Second Streets measured along the center of West Main Street and N. C. State Highway No. 27; thence with Long Creek to an iron pin on the bank of Long Creek being the southwest corner of the City Rock Quarry property; thence in a northerly direction to the intersection of Holly and Pine Streets north of M. & M. Foundry; thence to the School District corner, being a power line pole on west side of Old Salisbury Road just north of residence of Crawford Lowder; thence with said school district line N. 73 E. to a point in the center of U. S. Highway No. 52 known as the Salisbury Highway and being two miles north of the center of the intersection of Main and Second Streets in the City of Albemarle, measured as highway runs; thence a direct line S. 45-15 E. to bridge across Melchior Branch on Ridge Street; thence a southeasterly line to Moss Springs Road in front of the old R. L. Furr house, being the northeast corner of Albemarle School District; thence a new line to the northeast corner of the East Albemarle School property on Badin Highway, State Highway No. 740; thence with the east line of said property extended to the center of the Raleigh Highway, State Highway No. 27; thence in a southwesterly direction through transformer pole

on the northwest side of airport; thence to the center of the Norwood Highway, U. S. Highway No. 52, approximately 400 feet south of road leading into Reap's Development; thence in a northwesterly direction crossing the Aquadale road and Little Long Creek to the beginning point.

That all the territory included within said boundaries shall constitute the corporate territory of the City of Albemarle.

Application of laws, ordinances, etc., to extended area.

That Chapter 384 of the Private Laws of North Carolina, Session of 1911 and all amendments thereto and other acts relating to the City of Albemarle, and all provisions therein, shall apply to the new territory embraced in the above boundaries, and ordinances, rules and regulations and all commitments and franchises now in force in the City of Albemarle shall apply fully and be binding upon the citizens of the new territory embraced in the above boundaries.

City of Albemarle authorized to purchase water and sewer lines in extended area.

SEC. 2. That the City of Albemarle is hereby authorized and empowered to purchase from the Wiscassett Mills Company the water and sewer lines which said company has recently constructed according to plans and specifications and requirements of the city, and which lines will be inside of the new corporate boundaries; for the sum of one hundred thousand dollars ($100,000.00), which amount shall also include and be in full and complete satisfaction for all claims and charges which the Wiscassett Mills Company has or might have against the City of Albemarle for the laying of concrete sidewalks, curb, gutter and street improvements and grading, which it has caused to be done partly inside the present city limits and all within the above boundaries.

Use of capital reserve fund and other funds for making purchase.

SEC. 3. The City of Albemarle is hereby authorized and empowered to use the capital reserve fund which it now has on hand, and any other available funds, for the payment of the one hundred thousand dollars ($100,000.00), as set forth in Sec. 2.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 121 **CHAPTER 665**

AN ACT TO AMEND CHAPTER 460 OF THE PUBLIC-LOCAL LAWS OF 1931 AS AMENDED, RELATING TO THE PITT COUNTY PEACE OFFICERS' PROTECTIVE ASSOCIATION.

The General Assembly of North Carolina do enact:

Ch. 460, Public-Local Laws, 1931, as amended, further amended.

SECTION 1. That Chapter 460 of the Public-Local Laws of 1931 as amended by Chapter 67 of the Public-Local Laws of 1935, as amended by Chapter 537 of the Public-Local Laws of 1939, as amended by Chapter 383 of the Public-Local Laws of 1941, as amended by Chapter 657 of the Public-Local Laws of 1943, be and the same is hereby amended by striking out all of Sections 6 and 8 and amendments thereto, and insert in lieu thereof the following Sections 6 and 8.

Source of revenue, Peace Officers' Protective Association, Pitt County.

SEC. 6. Source of Revenue. That in all criminal actions in Pitt County, North Carolina, brought into Superior Court, the Recorder's Courts and Mayor's Courts, wherein the defendants enter a nolo contendere, a plea of guilty or shall be adjudged guilty by the court or a jury, and are required to and do pay the costs, there shall be taxed in the bill of cost a fee of one dollar ($1.00) to be known as the Officers Emergency Fee, and shall be collected as all other costs in criminal cases are collected by the clerk, recorder and the mayor or other officer of the courts authorized to receive and collect costs, and such funds so received shall be accounted for and turned over to the secretary-treasurer of the association monthly, and such funds turned over to the secretary-treasurer of the Pitt County Peace Officers' Protective Association to be by him held and securely kept for the purposes of the association. Donations and contributions to said Pitt County Peace Officers' Protective Association will be received from any source approved by the executive board.

Officers Emergency Fee, part of court costs.

Donations.

Appointment of secretary-treasurer of Association.

Bond.

Duties.

SEC. 8. The Executive Board of the Pitt County Peace Officers' Protective Association shall appoint one person to act as secretary-treasurer of the association, who shall give sufficient surety bond in an amount not less than the amount of funds on hand, the premium on such bond to be paid for out of the funds of the association. The secretary-treasurer shall have the duty of collecting all funds due the association and shall make annual reports as of July 1st of each year to the executive board showing in detail the amount collected from each court and from all sources, and the amounts expended and for what purposes and to whom paid, which report shall also show the amount of funds on hand and the investments made,

and the secretary-treasurer shall send a copy of such report to the Clerk of the Superior Court and to each member of the Legislative Delegation from Pitt County. The secretary-treasurer may, upon authority of the executive board, invest the funds of the association in bonds and securities unanimously approved by the executive board, and preferably in those securities approved by law for the investment of public funds. Interest and other income received from investments, together with any other receipts shall be added to the principal of said fund. Expenditures from the funds of the association shall be made upon vouchers properly signed by the chairman of the executive board and the secretary-treasurer. All expenditures from the funds of the association shall be approved by a majority of the executive board before made, and then shall be made only for the purposes set out in Section 7 of the Act designated "Application of Fund," and Section 11 of the Act providing for group insurance.

Investment of funds.

Expenditures.

SEC. 2. That Section 9 of Chapter 460 of the Public-Local Laws of 1931, as amended by Chapter 383 of the Public-Local Laws of 1941 be striken out and re-written to read as follows:

Ch. 460, Public-Local Laws, 1931, as amended, further amended.

SEC. 9. Salaries and Expenses. All members of the executive board shall serve without compensation and no salary shall be paid except an appropriation not to exceed twenty-five dollars ($25.00) per month for a secretary-treasurer, for his services in collection and handling the funds created by said Act, and received by donations and contributions. Necessary office and stationery supplies shall be paid for out of the funds of the association.

Salaries and expenses of executive board and secretary-treasurer.

SEC. 3. Amend Section 4 entitled "Registration" of Chapter 460 of the Public-Local Laws of 1931 by adding a provision at the end of said Section 4 to read as follows:

Ch. 460, amended further.

Provided that the executive board shall require annual dues to be paid by all officers before they shall become a member of the association, and *provided further* that no officer shall be entitled to benefits under the provisions of this Act unless such officer has paid the membership dues required by the executive board.

Annual dues for membership in Association.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 124 **CHAPTER 666**

AN ACT TO VALIDATE CERTAIN JUDGMENTS IN PROCEEDINGS INSTITUTED IN WHICH SERVICE OF SUMMONS BY PUBLICATION WAS HAD PRIOR TO THE ENACTMENT OF CHAPTER 158 OF THE SESSION LAWS OF 1945 RELATIVE TO THE TIME IN WHICH SUMMONS IS DEEMED SERVED BY PUBLICATION.

Preamble:

Reference to G. S. § 1-100, as amended, 1945, as to service of summons by publication.

WHEREAS, the General Assembly of North Carolina, at its Session of 1945, by Chapter 158 of the Session Laws of 1945, amended Section 1-100 of the General Statutes of North Carolina, providing that in cases in which service by publication is allowed the summons is deemed served at the expiration of seven days from the date of the last publication, and the party so served is then in court; and

Numerous actions in which summons served by publication without compliance with amended law.

WHEREAS, after said Act was ratified numerous actions were instituted in the Superior Courts of this State in which summons was served by publication as provided in Section 1-100 of the General Statutes of North Carolina prior to the passage of said Act, and judgments rendered, which should be validated: *Now, therefore,*

The General Assembly of North Carolina do enact:

Judgments, orders, etc., in actions in which summons served by publication without complying with G. S. § 1-100, as amended, validated.

SECTION 1. All judgments, orders and decrees heretofore entered in any action or other judicial proceeding in which summons was served by publication under the provisions of Section 1-100 of the General Statutes of North Carolina as such Section provided prior to its amendment by Chapter 158 of the Session Laws of 1945 are hereby declared to be valid, lawful, in full force and effect, and binding upon the parties to such actions or judicial proceedings in the same manner and to the same extent as if such summons had been served by publication under the provisions of Section 1-100 of the General Statutes as amended by Chapter 158 of the Session Laws of 1945.

Sec. 1 inapplicable to judgments, etc., vacated or under legal attack for non-compliance with said law.

SEC. 2. The provisions of Section 1 of this Act shall not be applicable to any judgment, order or decree which has heretofore been entered in any action or judicial proceeding in which summons was served by publication under the provisions of Section 1-100 of the General Statutes as the same provided prior to its amendment by Chapter 158 of the Session Laws of 1945 if such order, judgment or decree has heretofore been set aside or vacated or if appropriate action has heretofore been commenced attacking the validity of such order, judgment or decree by reason of lack of compliance with the provisions of Chapter 158 of the Session Laws of 1945.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 242 **CHAPTER 667**

AN ACT TO AMEND CHAPTER 33 OF THE GENERAL STATUTES OF NORTH CAROLINA TO REDUCTION OF PENALTY OF BONDS OF GUARDIANS AND TRUSTEES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 33 of the General Statutes is hereby amended by adding thereto a new Section to follow immediately Section 33-13 to be numbered 33-13.1 to read as follows: G. S., Ch. 33, amended.

33-13.1. Clerk May Reduce Penalty of Bond of Guardian or Trustee. The Clerks of the Superior Court within their respective counties shall have full power and authority from time to time to order that the penalty of a bond of a guardian or trustee be reduced to a stated sum under the following circumstances: Clerks of Superior Court authorized to reduce penalty of bond of trustee or guardian.

When a guardian or trustee has disbursed either income or income and principal of the estate according to law, either for the purchase of real estate, or the support and maintenance of the ward or the ward and his dependents, or any lawful cause, and when the personal assets and income of the estate from all sources in the hands of the guardian or trustee have been so diminished, the penalty of the bond of such guardian or trustee may be reduced in the discretion of the Clerk to an amount not less than the amount which would be required if the guardian or trustee were first qualifying to administer such personal assets and annual income. Circumstances under which reduction may be made.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective on July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 225 **CHAPTER 668**

AN ACT TO AMEND SECTION 10 OF THE CHARTER OF THE CITY OF ROANOKE RAPIDS, AS AMENDED BY CHAPTER 125 OF THE 1943 SESSION LAWS AND CHAPTER 412 OF THE 1945 SESSION LAWS, AND TO REPEAL CONFLICTING LAWS.

The General Assembly of North Carolina do enact:

Ch. 67, Public-Local Laws, 1937, as amended, further amended.

SECTION 1. That Section 10 of Chapter 67 of the Public-Local Laws of 1937, the same being the charter of the City of Roanoke Rapids in the County of Halifax, as amended by Chapter 125 of the 1943 Session Laws, and Chapter 412 of the 1945 Session Laws, be and the same is hereby further amended so that said Section shall read as follows:

Ad valorem tax rate for general expenses, City of Roanoke Rapids.

Power to levy and collect ad valorem tax for debt service.

SEC. 10. For the purpose of raising revenue for defraying the expenses incident to the proper government of the City of Roanoke Rapids, the board of commissioners shall have the power, and it is hereby authorized, to levy and collect an annual ad valorem tax on all taxable property in Roanoke Rapids at a rate not exceeding one dollar ($1.00) on the one hundred dollars ($100.00) valuation of said property, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this Section. In addition to the foregoing, the board of commissioners shall have the power and it is hereby authorized to levy and collect a tax ad valorem upon all property then subject to taxation in the city, sufficient to pay the principal of and the interest on all bonds of the city as such principal and interest shall become due, and to levy and collect such license, privilege, franchise and other taxes as the board of commissioners shall deem proper and as the board is authorized and permitted to levy and collect by the general law.

Other taxing powers.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Declaration of public interest.

SEC. 3. That the public interest requires that this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 230 **CHAPTER 669**

AN ACT TO AMEND SECTION 160-238 OF THE GENERAL STATUTES RELATING TO FIRE PROTECTION FOR PROPERTY OUTSIDE CITY LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-238 of the General Statutes is hereby amended by adding a new paragraph at the end of said Section as follows:

G. S. § 160-238, amended.

Any employee of a municipal fire department, while engaged in performing any of the duties with respect to the provisions of the first paragraph of this Section, shall have the same rights with respect to workmen's compensation, disability funds or any other rights or privileges in the same manner and to the same extent as if such duty was being performed within the corporate limits of the municipality by which he was employed. In authorizing or permitting its fire department to answer fire calls outside the twelve-mile limit referred to in the preceding Section, and in answering such calls, the municipality shall be considered as functioning in a governmental capacity.

Rights, municipal fire department employees, to workmen's compensation and other benefits arising from duty performed outside corporate limits.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 249 **CHAPTER 670**

AN ACT TO RESTRICT THE LICENSING OF CARNIVALS WITHIN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. No person, firm, or corporation shall apply for or obtain from the governing body, or the representative of such governing body, or any county, or incorporated city or town, any license or permit to exhibit, show, or operate any carnival within Orange County and Transylvania County for a continuous operation or exhibition of over one day's time.

Licensing of carnivals restricted, Orange and Transylvania Counties.

It is the purpose and intent of this Act that carnivals shall not operate in Orange County and Transylvania County over one day at a time, and upon the completion of one day's showing shall remove its equipment and shows from said county.

SEC. 2. No carnival shall be licensed or permitted to locate for the purposes of putting on any exhibition or shows within one thousand (1,000) feet of any residence in Orange County and Transylvania County.

Location of carnival within 1,000 feet of residence, prohibited.

Act not applicable to riding devices or circuses.

SEC. 3. This Act shall not apply to riding devices operating independent of any carnival, nor to circuses making one day stands only.

Punishment for violations.

SEC. 4. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished in the discretion of the court.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date as to application to Transylvania Co.

SUBSEC. 5½. Provisions of this Act insofar as they apply to Transylvania County shall become effective as of the 1st day of June, 1947.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 267 CHAPTER 671

AN ACT TO INCREASE THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF CHEROKEE COUNTY FOR THE PURPOSE OF PROVIDING CLERK HIRE.

The General Assembly of North Carolina do enact:

Salary of Clerk of Superior Court of Cherokee County.

SECTION 1. That the Clerk of the Superior Court of Cherokee County shall receive in lieu of all fees, commissions and compensations, including his services as juvenile judge of said county, an annual salary of three thousand dollars ($3,000.00) to be paid in equal monthly installments and to be retroactive to January 1st, 1947; that out of the salary herein provided, the Clerk of the Superior Court of Cherokee County shall pay the salary of any clerk hire or assistance in said office.

Clerical help paid by C. S. C.

Fees paid to C. S. C. payable into general fund.

SEC. 2. That all fees paid into the Office of the Clerk of the Superior Court of Cherokee County shall be accounted for monthly and paid over to the county commissioners of said county to be deposited with the general county fund.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 295 **CHAPTER 672**

AN ACT TO AMEND SECTION 153-152 OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED BY CHAPTERS 151 AND 562 OF THE SESSION LAWS OF 1945, RELATING TO THE SUPPORT OF COUNTY POOR.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 153-152 of the General Statutes of North Carolina, as amended by Chapters 151 and 562 of the Session Laws of 1945, the same being the 1945 Cumulative Supplement of the General Statutes of North Carolina, be, and the same is, amended by striking out the word "Haywood" in line three of the last paragraph of said Section.

G. S. § 153-152, as amended, further amended; removing exemption of Haywood County from law for support of poor.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 312 **CHAPTER 673**

AN ACT TO AMEND CHAPTER 510 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 4 of Chapter 510 of the Public-Local Laws of 1939 be, and the same is hereby amended by striking out in lines one and two of said Section the following language: "qualified voters of such district or such unit", and inserting in lieu thereof the following:

Ch. 510, Public-Local Laws, 1939, amended, as to voting in school building bond elections, Iredell County.

Voters voting in any election called under the provisions of the Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 324 CHAPTER 674

AN ACT TO PROHIBIT THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Practice of palmistry, etc., prohibited in Lenoir, Johnston, and Pasquotank Counties.

SECTION 1. It shall be unlawful for any person to practice palmistry, fortune telling or clairvoyance in Lenoir County, Johnston County and Pasquotank County. Any persons violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Punishment for violations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 329 CHAPTER 675

AN ACT TO PERMIT THE GOVERNING BODY OF THE CITY OF STATESVILLE TO ESTABLISH A SYSTEM OF PARKING METERS AND TO USE THE PROCEEDS FROM SAME FOR THE MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES.

The General Assembly of North Carolina do enact:

Provision for parking meter system, City of Statesville.

SECTION 1. For the purpose of regulation and limitation of vehicular traffic and parking in the City of Statesville, the governing body of the City of Statesville is authorized and empowered, in its discretion, to enact ordinances providing for a system of parking meters in said City of Statesville which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicles or motor vehicles for stipulated periods of time in those areas in said City of Statesville in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

Limitation of deposit.

SEC. 2. The proceeds derived from the use of such parking meters in the City of Statesville shall be set up and maintained in a special account and fund and may be used for the establishment and maintenance of such parking meters and for making such regulation effective; and in addition thereto, said proceeds or any part thereof may be used in the discretion of the governing body of the City of Statesville for the establishment, maintenance and operation of any and all recreational facilities of the City of Statesville, including playgrounds, recreation centers and the acquisition of lands or buildings for such purposes.

Use of proceeds from parking meters.

SEC. 3. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters established in the City of Statesville or the fees required in the use thereof.

Effect of G. S., Chs. 20 and 136.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 334 **CHAPTER 676**

AN ACT TO REPEAL SECTIONS 3 AND 4 OF CHAPTER 62 OF THE SESSION LAWS OF 1945 AND TO AMEND SECTIONS 1 AND 2 OF CHAPTER 264 OF THE SESSION LAWS OF 1943 RELATING TO THE SALARY OF THE JUDGE AND SOLICITOR OF THE GENERAL COUNTY COURT OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Sections 3 and 4 of Chapter 62 of the Session Laws of 1945 be, and the same are hereby, repealed.

Secs. 3 and 4, Ch. 62, Session Laws, 1945, repealed, as to pay of County Court officials, Duplin County.

SEC. 2. That the last sentence in Section 1 of Chapter 264 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Ch. 264, Session Laws, 1943, amended.

The salary of said judge shall be fixed by the Board of County Commissioners of Duplin County in their discretion in an amount of not less than eighteen hundred dollars ($1,800.00) per year, payable monthly.

Salary of judge, General County Court, Duplin County.

Ch. 264, amended further.

SEC. 3. That the last sentence in Section 2 of Chapter 264 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Salary of prosecuting attorney.

The salary of said prosecuting attorney shall be fixed by the Board of County Commissioners of Duplin County in their discretion in an amount of not less than fifteen hundred dollars ($1,500.00) per year, payable monthly.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 345 **CHAPTER 677**

AN ACT AUTHORIZING WINSTON-SALEM AND FORSYTH COUNTY TO ESTABLISH CITY AND COUNTY PLANNING: CONFERRING UPON THE CITY AND THE COUNTY THE POWER TO ADOPT ORDINANCES AND RESOLUTIONS PROVIDING FOR THE ZONING AND REGULATION OF THE LOCATION, HEIGHT, BULK, AND USE OF BUILDINGS AND OTHER STRUCTURES, AND THE USE OF LAND: PROVIDING FOR THE CREATION OF A CITY AND A COUNTY PLANNING BOARD OR A JOINT CITY AND COUNTY PLANNING BOARD, AND FOR THE CREATION OF BOARDS OF ADJUSTMENT: PRESCRIBING THE POWERS AND DUTIES OF PLANNING BOARDS AND OF BOARDS OF ADJUSTMENT: AND PRESCRIBING PENALTIES.

The General Assembly of North Carolina do enact:

City Planning Board, Winston-Salem.

Membership.

SECTION 1. City Planning Board; Membership; Vacancies. The City of Winston-Salem may, by ordinance, create a City Planning Board of seven members. The members shall consist of the mayor of the city; one of the officials of the city to be appointed by the board of aldermen; and five citizens to be appointed by the board of aldermen and who shall not hold other public elective office with the city. Two of the citizen members of the board shall be resident outside the city, within three miles of the corporate limits thereof.

Terms.

The term of the mayor shall correspond with his official tenure. The term of the city official shall terminate with the term of the mayor. The terms of the citizen members of the board first appointed shall be one for one year; two for two years; and two for three years. Thereafter, the term of each citizen member shall be three years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Members may, after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office, by the board of aldermen. Members shall serve without compensation.

Vacancies filled.

Service without pay.

Organization of Board; officers and employees.

SEC. 2. Officers and Employees; Expenses; City Appropriations. The City Planning Board shall elect a chairman from its citizen members and create and fill such other offices as it may determine. It may employ experts and a staff, and pay for their services and such other expenses as may be necessary and proper in accordance with a budget approved by the board of aldermen and not exceeding in all, exclusive of gifts, the amount appropriated by the board of aldermen for its use.

Expenses.

Appropriations for work of Board.

The board of aldermen shall appropriate in the same manner as other appropriations are made such money as in its discretion is necessary for the work of the Planning Board. The amount so appropriated shall be assessed, levied, collected and disbursed in the same manner as moneys appropriated and disbursed for other current expenses of the city; and any donation shall be disbursed in the same manner.

Planning physical development of City; general powers and duties of Board.

SEC. 3. City Planning Board; General Powers and Duties; General Plan. The City Planning Board shall make and adopt a general plan for the physical development of the city, including any areas outside of its boundaries which, in the Board's judgment, bear essential relation to the planning of the municipality. The plan, with the accompanying maps, charts, drawings and descriptive matter, shall show the Board's recommendations for the development of said territory, including among other things, the general location, character and extent of streets, bridges, waterways, water fronts, parkways, playgrounds, squares, parks, airports, and other ways, grounds and open spaces, and the general location of public buildings and other public property, and the general location and extent of major public utility and terminal facilities, whether publicly or privately owned, and the general plans for the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals. As the work

General plan; recommendations.

Adoption and publication of parts of plan.

of making the whole general plan progresses, the Board may from time to time adopt and publish parts thereof, any such part to cover one or more major sections or divisions of the city or one or more of the aforesaid or other functional matters to be included in the plan. The Board may from time to time amend, extend or add to the plan. In the preparation of the general development plan the Board shall give due consideration to the probable ability of the city to carry out, over a period of years, the various projects embraced in the plan without the imposition of unreasonable financial burdens.

Consideration of city's ability to carry out plan projects.

Improvement projects submitted to City Planning Board for approval.

SEC. 4. Improvement Projects Submitted to City Planning Board; Board of Aldermen May Overrule Board; New School Grounds and School Ground Extensions. Whenever the City Planning Board shall have adopted the general development plan for the city, or any part thereof, no street, square, park or public way, ground or open space, or public building or structure, or major public utility, whether publicly or privately owned, shall be constructed or authorized in the city, or in any part thereof shown in the general plan as adopted, until the location, character and extent thereof has been submitted to the Planning Board for approval. The Planning Board shall, as soon as conveniently possible, report in writing to the board of aldermen its action thereon, and in case of disapproval its reasons therefor. The board of aldermen may overrule such disapproval. The failure of the Planning Board to act on matters referred to its pursuant to this Section within forty-five days from and after the date of official submission of the matter to it, shall be deemed approval.

Power of aldermen to overrule disapproval.

Effect of non-action by Planning Board within time limit.

Power of Education Board as to school ground locations, extensions.

The same action, procedure and limitation as prescribed in this Section pertaining to improvement projects within the jurisdiction of the board of aldermen shall apply in relation to the city board of education in the matter of new school ground locations or school ground extensions.

Adoption of general city development plan.

SEC. 5. Adoption of General Development Plan or of any Part Thereof as Official City Map. In respect to area and improvements within its jurisdiction, the City of Winston-Salem may by ordinance establish the general city development plan as created under the authority of this Act, either in whole or in part, as the official city map. The official city map or any part of it, as when established by ordinance, and subject to amendments as hereinafter provided, is to be deemed official and conclusive with respect to the location and width of streets, highways, and parkways and the location and extent of public parks and playgrounds shown thereon, and the official map is hereby declared to be established to conserve and promote the public health, safety, morals and general welfare.

Official city map.

Changes in official map.

SEC. 6. Changes in Official Map; Procedure. The board of aldermen may by ordinance, whenever and as often as it may deem it for the public interest, change or add to the official city map. Before making a change or addition, the matter shall be referred to the City Planning Board for its recommendation. If the Planning Board shall not make its recommendation thereon within forty-five days after such reference it shall be deemed to consent thereto.

Submission of proposed changes to Planning Board for recommendation.

Public hearings on proposed changes.

Upon the receipt of the recommendation of the City Planning Board, or upon the expiration of forty-five days after reference to the Planning Board, the board of aldermen shall hold a public hearing on the proposed change in or addition to the official map and shall cause notice of the hearing to be published in a newspaper of general circulation in the city, at least ten days prior to the hearing. At the public hearing all interested parties shall be afforded an opportunity to present their views, prior to the final vote upon the ordinance providing for the change in or addition to the official map. The ordinance, if contrary to the recommendation of the City Planning Board, shall be adopted by the board of aldermen. Upon the final passage of the ordinance, the changes or additions shall become a part of the official map of the city and shall be deemed to be final except that further changes and additions may later be made in the manner provided in this Section.

Notice.

Opportunity of interested parties to be heard.

Adoption of changes.

Layout, widening, closing public way or area, subject to this Section.

The approval by the city under the provisions of law, other than those contained in this Section, of the layout, widening, or closing of any public way or area designated above as part of the official city map shall be deemed to be a change or addition to the official city map and shall be subject to all the provisions of this Section.

Surveys and studies.

SEC. 7. Purpose of City Planning and the City Plan. In the preparation of the general development plan for the city, the City Planning Board shall cause to be made careful and comprehensive surveys and studies of present conditions and future growth of the city, due regard being taken to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic and recreation, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of the popu-

General purpose of city planning.

lation and its housing, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Reference of other matters to City Planning Board.

SEC. 8. Reference of Other Matters to City Planning Board. The board of aldermen may by ordinance or resolution provide for the reference of any other matter or class of matters to the Planning Board before final action thereon by the board of aldermen or by other body or officer having final authority thereon, with or without the provision that final action thereon shall not be taken until the Planning Board has submitted its report thereon or has had a reasonable time to submit its report, which time shall be fixed by the ordinance.

Regulations as to land subdivisions.

SEC. 9. Approval of Land-Subdivision Plat Maps by City Planning Board. The City Planning Board shall prepare and adopt regulations governing the subdivision of land into streets and/or building lots anywhere within the corporate limits of the city or within three miles thereof, and shall have the authority to approve plat maps showing such subdivisions of land and to determine and fix the minimum sizes of lots and to establish building lines, and to make such other requirements as condition of approval as, in the opinion of the Planning Board may be appropriate and reasonable, not inconsistent with the charter and ordinances of the City of Winston-Salem.

Approval of subdivision plats.

Parks and other public areas shown on plat map.

A plat map submitted for the approval of the City Planning Board may also, in proper cases, show a park or parks suitably located for playground or other recreational purposes, or a school ground or area for other public purpose. In approving such plat maps, the Planning Board shall require that the streets, highways, and other public ways shall be of sufficient width and suitably located to accommodate the prospective traffic and to afford adequate light, air, and access for fire-fighting equipment to buildings and be coordinated so as to compose a convenient and economical system; that the land shown on the plat maps shall be so planned as to be capable of being provided with proper sanitary and drainage conditions; and that the parks and playgrounds, when shown, shall be of reasonable size for neighborhood playgrounds or other recreational uses when deemed necessary. In making such determination regarding streets, highways and other public ways, playgrounds, and other areas for public use, the Planning Board shall take into consideration the prospective character of the development, whether residential, business or industrial.

Width and location of streets and ways.

Sanitary and drainage conditions.

Parks and playgrounds; reasonableness of size.

Consideration of character of development.

Planning Board approval of plat maps before filing in Registry of Forsyth County.

SEC. 10. Plat Maps to be Approved Before Filing; Effect of Plat Map Approval. No plat of the subdivision of land, located within the above designated area, into streets and/or building lots shall be accepted for filing by the Forsyth County Register of Deeds until it has been approved by the City Planning Board, if and after such Board is created, and such approval be endorsed in writing on the plat map in such manner as the Planning Board may designate.

Endorsement of approval on map.

Approved maps of subdivisions made part of general city development plan.

After a plat map showing the subdivision of land within the corporate limits of the City of Winston-Salem, and within three (3) miles thereof, is approved and filed, the streets, highways, and other public ways, and parks, playgrounds and other public areas shown thereon shall be part of the general development plan of the city, but the city shall not be obligated to enter, improve, or maintain any street, highway or other public way or other public area shown on the plat map thus approved and filed except after official acceptance of dedication of such public way or public area by the city.

Rights and duties of City.

Approval of subdivision plats by Board of Aldermen, before registration.

SEC. 10½. No plat of the subdivision of land into streets and for building lots located within the corporate limits of the City of Winston-Salem, or within one mile thereof, shall be accepted for filing by the Forsyth County Register of Deeds until it has been approved by the board of aldermen of the city.

Permits for buildings in bed of mapped streets.

SEC. 11. Permits for Buildings in the Bed of Mapped Streets. For the purpose of preserving the integrity of the official city map, if and when adopted, no permit shall be issued for any building in the bed of any street, shown or laid out on the official map, except that when property of the applicant of which such reserved location forms a part, cannot yield a reasonable return to the owner unless such permit be granted, the zoning board of adjustment, after public hearing, may, in a specific case by the vote of a majority of its members, grant a permit for a building in such street, which will as little as practicable increase the cost of opening such street, or tend to cause a change of the official map, and the Board of Adjustment shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public and shall inure to the benefit of the city.

Grounds for issuance.

Procedure.

Requirements imposed as condition of granting permit.

County Planning Board, Forsyth County.

SEC. 12. County Planning Board; Membership; Vacancies. The County of Forsyth may create a County Planning Board of five members. The members shall consist of the chairman of the board of county commissioners and four citizens resident in

Membership.

Terms.

the county at least two of whom shall reside outside the corporate limits of the City of Winston-Salem and who shall be appointed by the board of county commissioners and who shall not hold other public elective office with the county. Of the citizen members first appointed one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Their successors shall be appointed for terms of four years. If a vacancy occurs otherwise than by expiration of term it shall be filled by appointment for the unexpired term. Members shall serve without compensation.

Vacancies filled.

Service without pay.

Employees and expenses.

The County Planning Board may employ engineers and other persons whose salaries and wages, and other necessary expenses of the Board shall be provided for, in the discretion of the county commissioners, by proper appropriation and resolution.

Officers.

The County Planning Board shall appoint a chairman from among its citizen members, and such other officers as it may determine.

General plan for physical development of county.

SEC. 12½. Duties of County Planning Board. The County Planning Board shall prepare and adopt a general plan for physical development of the county. This plan with its accompanying maps, charts and descriptive and explanatory matter, shall show the County Planning Board's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and waterfront developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location of other public areas and reservations for the purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development, and such other features as may be important to the development of the county.

Duties of County Planning Board.

The County Planning Board shall encourage the cooperation of local municipalities within the county in any matters whatsoever which may concern the integrity of the county plan and to advise the board of county commissioners with respect to the formulation of development programs and budgets for capital expenditures.

Resolutions of County Commissioners as to certain improvements, submitted to County Planning Board.

SEC. 13. Submission of Resolution for Certain Improvements to the County Planning Board; Reports Thereon. All resolutions of the county commissioners relating to the location of any public building in the county, and to the location, extension,

widening, enlargment, ornamentation, of any street, highway, bridge, park, playground, or other public grounds or to the vacation of any highway or portion thereof, shall be furnished to the County Planning Board, if one has been created, not less than twenty days before their adoption and passage by the county commissioners. The said Planning Board may make a report or suggestion in relation thereto if it deems the report necessary or advisable for the consideration of said commissioners. If the said report is made by the Board prior to the expiration of twenty (20) days, the county commissioners may immediately proceed with the adoption of said resolution. All such reports, when delivered to the county commissioners, shall be for the information of the public. The above procedure shall likewise be followed by the Forsyth County Board of Education with respect to the location or relocation of public school grounds and building.

Report of Planning Board.

Procedure as to location of school grounds and buildings.

SEC. 14. Approval of Land-Subdivision Plat Maps. All plat maps for the subdivision of land into streets and/or building lots, in relation to land within the county and outside the limits of any incorporated municipality and outside the corporate limits of the City of Winston-Salem and within three miles thereof, shall be submitted to the County Planning Board, if one has been created, and approved by it before they shall be recorded. And it shall be unlawful to receive or record any such plat map in the office of the Forsyth County Register of Deeds unless the same shall bear thereon, by endorsement, the approval of the County Planning Board, if one has been created. The disapproval of any such plat map by the County Planning Board shall be deemed a refusal of the proposed dedication shown thereon. The approval of the Board shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the county or State concerning maintenance or improvement of any such dedicated streets or plots.

Submission of land-subdivision maps for approval.

Registration without Planning Board approval, prohibited.

Effect of approval or disapproval.

SEC. 14½. No plat of the subdivision of land into streets and building lots, located outside the corporate limits of the City of Winston-Salem, and beyond one mile from said corporate limits, shall be accepted for filing by the Forsyth County Register of Deeds until it has been approved by the Board of Commissioners of Forsyth County.

Approval of subdivision plats by County Commissioners, prerequisite to registration.

SEC. 15. Recommendations to County Commissioners and Others. The County Planning Board may make recommendations to the County Commissioners, from time to time, concerning any such matters and things aforesaid, for action of the county commissioners thereon, and, in so doing, have regard for present conditions and future needs and growth of the

Planning Board recommendations to County Commissioners.

Matters to be considered in making recommendations.

county, and the distribution and relative location of all the principal streets, and highways, railways, waterways, and all other means of public travel and business communication as well as the distribution and relative location of public buildings, public grounds, and other open spaces devoted to public use, and the planning and laying out for dwelling and business purposes of private grounds brought into the market from time to time.

Recommendations to other public authorities.

The County Planning Board may make recommendations to any public authorities, or any corporation or individuals, with reference to the location of any buildings, structures, or works to be constructed by them, within the county.

Joint City and County Planning Board, Winston-Salem and Forsyth County.

SEC. 16. Creation of a Joint City and County Planning Board; Membership; Vacancies. By joint agreement and joint action, the City of Winston-Salem and the County of Forsyth may combine to create a single City and County Planning Board which, by action of the respective governing bodies, may be given any or all the powers and duties above referred upon the individual and separate City and County Planning Boards. For the city, such action shall be by ordinance; for the county, it shall be by resolution.

Powers and duties.

Membership.

City and county boards joined into single board.

Alternative provision for new board.

Membership.

Terms.

Vacancies filled.

Service without pay.

The City and County Planning Board may be comprised of the members of the individual City and County Planning Boards, if such have been created, but when so joined the two Boards shall organize and proceed as a single Board. Or the Board may be created anew, in which case it shall be comprised of nine members which shall consist of the Mayor of the city, the chairman of the board of county commissioners, and seven citizen members, resident in the county, who shall hold no other public elective office with the city or county, and not more than four of whom shall reside within the corporate limits of the City of Winston-Salem. The citizen members of the Board shall be appointed jointly by the board of aldermen and the board of county commissioners. The terms of the citizen members first appointed shall be one for one year, two for two years, two for three years, and two for four years. The terms of their successors in office shall be for four years. The terms of the mayor and chairman of the board of county commissioners shall expire with their official tenures. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Members may, after a public hearing, be removed, by the officials appointing them, for inefficiency, neglect of duty, or malfeasance in office. Members of the Board shall serve without compensation.

City and County general development plans.

SEC. 17. City and County General Development Plans. The joint City and County Planning Board shall prepare and adopt a general development plan or plans for the entire city and county area. The portion of the general development plan or plans covering the corporate area of the City of Winston-Salem shall have the same effect as a general development plan prepared by a City Planning Board under Section 3 of this Act. And the portion of the plan covering the remainder of the county shall have the same effect as a general development plan prepared by a County Planning Board under Section 12 of this Act.

Approval of land-subdivision plat maps.

SEC. 18. Approval of Land-Subdivision Plat Maps. The joint City and County Planning Board shall have the same powers and duties in respect to the approval of land-subdivision plat maps as are conferable upon a City Planning Board and a County Planning Board for their respective areas of jurisdiction, and shall be subject to the same limitations imposed by Sections 10½ and 14½ of this Act.

Joint City and County Planning Board, officers and employees.

SEC. 19. Joint City and County Planning Board; Officers and Employees; Expenses; Appropriations. The joint City and County Planning Board shall elect a chairman from its citizen members, and create and fill such other offices as it may determine. It may employ engineers and other experts and a staff and pay for their services and such other expenses as may be necessary and proper in accordance with the budget approved by the board of aldermen of the City of Winston-Salem and the Board of Commissioners of Forsyth County, not exceeding, exclusive of gifts, the amount appropriated by the board of aldermen and the board of county commissioners for its use. The board of aldermen and the board of county commissioners shall appropriate in the same manner as other appropriations are made such money as, in the discretion of each Board, is necessary for the work of the joint City and County Planning Board. The amount so appropriated by each governing body shall be assessed, levied, collected, and disbursed in the same manner as moneys appropriated and disbursed for other current expenses of the city and county; and any donation shall be disbursed in the same manner. The proportionate amounts to be paid by the city and by the county shall be as determined by agreement between the two governing bodies.

Expenses.

Appropriations for work of Board.

Pro rata amounts by City and County.

Penalties for transferring lots in unapproved subdivisions.

SEC. 20. Penalties for Transferring Lots in Unapproved Subdivisions. Any owner or agent of any owner of any land located within a subdivision controlled under any section of this title who transfers or sells land by reference to or exhibition of or by other use of a plat map of a subdivision before the plat map has been approved by the Planning Board having

jurisdiction and duly recorded or filed in the office of the county register of deeds shall forfeit and pay a penalty of not less than one hundred dollars ($100.00) for each lot or parcel so transferred or sold, and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies herein provided.

Injunction powers given County and City.

The city or the county, as the case may be, may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

Application of Section not retroactive.

None of the provisions of this Section shall apply to subdivision plat maps which prior to the ratification of this Act were recorded in the office of the Register of Deeds of Forsyth County.

Improvements in streets, parks, etc., subject to Planning Board action.

SEC. 21. Improvements in Streets; Subject to Plan. No sewer, water, or gas main, or pipes, or other improvements in or so as to serve any street, highway, park or playground, in any land development within the jurisdiction of any Planning Board created under this Act, shall be voted or constructed by the City of Winston-Salem or Forsyth County or any Department of the State of North Carolina, until the plat map thereof has been duly approved by the Planning Board and filed with the Register of Deeds of Forsyth County.

Limitation of time for application for review of board action.

SEC. 22. Certiorari; Time Limit. No writ of certiorari to review any decision of a Planning Board or Board of Adjustment created under this Act shall issue unless application therefor be made within thirty days after the filing of the decision in the office of the Board. The allowance of the writ shall not stay proceedings upon the decision unless so ordered by the Court.

Zoning powers and duties of Joint Planning Board.

SEC. 23. Zoning. The city and the county may jointly or separately confer upon the joint City and County Planning Board the authority and the duty of recommending revisions of existing zoning ordinances or preparing new zoning ordinances or resolutions for the city or county or any portion thereof, in accordance with the present zoning ordinance of the City of Winston-Salem and any amendments thereto and in accordance with the authority for county zoning as herein authorized.

Exercise of authority beyond one mile city limits, subject to approval, Co. Commissioners.

Wherever in this Act the City Planning Board or the Board of Aldermen of the City of Winston-Salem or the Board of Adjustment of the City of Winston-Salem are given authority in the territory outside of the corporate limits of the City of Winston-Salem, the exercise of such authority beyond one mile from the corporate limits of the City of Winston-Salem shall be subject to the approval of the Board of Commissioners of Forsyth County.

Penalties for violating zoning ordinances.

SEC. 24. Violations—Penalty. Any person, firm or corporation who may violate any of the provisions of the zoning ordinance of the City of Winston-Salem, North Carolina, within the one mile area surrounding the corporate limits of the City of Winston-Salem, or within the three mile area surrounding such city limits if the board of county commissioners shall have approved such zoning provisions, shall, upon conviction, be fined fifty dollars ($50.00) or imprisoned thirty days; any person, firm or corporation who shall continue to violate or shall permit any land, structure or building to continue to exist or to be used in violation of the zoning ordinance of the City of Winston-Salem, pursuant to the authority given by this Act, or who shall cause, permit or continue to exist any occupancy or use of any land, structure or building in violation of any of said ordinances, resolutions, regulations or restrictions for as long a period as ten days after notice of such violation, issued by the Building Inspector or Administrative Officer of the City of Winston-Salem, and served upon him by any police officer of the City of Winston-Salem or by any police officer of Forsyth County, shall be guilty of a separate offense for each day he permits such violation to continue after the expiration of ten days from such notice, and shall be punished as above set forth. The Judge of the Municipal Court of the City of Winston-Salem shall have the power to lessen the fine, penalty or term of imprisonment imposed for any such violation.

Each day of continuation of certain offenses, after notice, deemed separate offense.

Powers of Judge of Municipal Court.

Regulatory powers of Forsyth County Commissioners outside of zoning jurisdiction of municipalities.

SEC. 25. Grant of Power. The Board of Commissioners for the County of Forsyth is hereby empowered, in accordance with the conditions and procedure specified in the subsequent Sections of this Act, by resolution to regulate in any portion or portions of Forsyth County which lie outside of the zoning jurisdiction of incorporated cities and towns, the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes.

Provision for conferring zoning powers on planning boards.

SEC. 26. Zoning—Conferring of Authority on Planning Board. In order to avail itself of the zoning powers conferred by this Act, the board of county commissioners may confer upon the County Planning Board or the joint City and County Planning Board the additional power and duty of performing the zoning functions herein defined.

Preparation of zoning plan, Forsyth County.

SEC. 27. Preparation of Zoning Plan. It shall be the duty of the Planning Board of Forsyth County to make, for certification to the board of county commissioners a zoning plan or plans, including both the full text of the zoning resolution or resolutions and the maps and representing the recommendations of the Planning Board for the regulation by districts or zones of the location height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

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Public hearing on tentative plan.

When the efforts of such Board shall have reached the stage of a tentative plan, the Board shall hold at least one public hearing on each tentative plan to be separately submitted,

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notice of which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning resolution may be examined. For the purpose of its public hearing or hearings, the Board shall have power to summon witnesses, administer oaths, and compel the giving of testimony.

Powers of Board in conducting hearing.

Zoning resolution, adoption by County Commissioners.

SEC. 28. Zoning Resolution. From and after the time when the Planning Board, in accordance with the procedure specified in the next preceding Section of this Act makes, adopts, and certifies to the Board of County Commissioners of Forsyth County, each zoning plan, including both the full text of a zoning resolution and the maps, then the board of county commissioners may, by resolution, exercise the powers granted to it in Section 32 of this Act, and, for the purpose of such exercise, the board of county commissioners may divide the territory of the county, which lies outside of the zoning jurisdiction of municipalities which now have authority to adopt and enforce zoning resolutions, into districts or zones of such number, shape or area as it may determine, and within such districts, or any

Division of County into districts.

Regulations.

of them, may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land, and may require and provide for the issuance of building permits as a condition precedent to the right to erect, construct, reconstruct, or alter any building or structure within any district covered by such zoning resolution. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts.

Uniformity of regulations within district.

SEC. 29. Method of Procedure. After receiving the certification of a zone plan from the Planning Board and before the enactment of any zoning resolution, the board of county commissioners shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given by one publication in any newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the Planning Board may be examined. The Board may conduct consultative hearings or referenda to aid it in determining the desirability of contemplated or recommended regulations. No change in or departure from the text or maps, as certified by the Planning Board, shall be made unless such change or departure shall first be submitted to the Planning Board for its approval or disapproval or suggestions. The Planning Board shall have thirty days from and after such submission within which to send its report to the board of county commissioners: *Provided, however,* that no approval, disapproval or suggestions of the Planning Board shall have more than advisory effect or shall in anywise bind the board of county commissioners.

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Advisory effect of Planning Board action.

SEC. 30. Purpose of Zoning Regulations. Such regulations shall be designated and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the County of Forsyth, including amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil

Purpose of zoning regulations.

fertility, food supply, securing economy in governmental expenditures, fostering agricultural and other industries, and the protection of both urban and non-urban development for the County of Forsyth.

Amendment of zoning resolutions by County Commissioners.

SEC. 31. Amendments. The board of county commissioners may, from time to time, amend the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning resolution, but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval, disapproval or suggestions to the Planning Board. Any proposal, approval, disapproval or suggestions of the Planning Board shall have advisory effect only and not be binding upon the board of county commissioners, and, unless such Planning Board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it, the board of county commissioners shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the Planning Board. Before finally adopting any such amendment, the board of county commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county.

Requirement of Planning Board action.

Advisory effect.

Limitation of time for report of Planning Board.

Public hearing before adopting amendment; notice.

Board of Adjustment, Forsyth County.

SEC. 32. The Board of Adjustment. The board of county commissioners under the authority of this Act, may provide for a Board of Adjustment of three to five members and for the manner of the appointment of such members. Not more than half of the members of such Board may at any time be members of the Planning Board. The board of county commissioners shall fix terms for the members of such Board of Adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. The board of county commissioners may fix per diem compensation and, any member of the Board of Adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint two associate members of such Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board of any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose. Such associate members shall be appointed at the same time and in the same manner as regular members, and for terms of not less than one year.

Membership.

Terms.

Per diem compensation.

Vacancies filled.

Associate members.

Appointment and terms.

Rules and regulations governing Board of Adjustment.

The board of county commissioners shall provide and specify in its zoning or other resolutions general rules to govern the organization, procedure, and jurisdiction of said Board of Adjustment, which rules shall not be inconsistent with the provisions of this Act, and the Board of Adjustment may adopt supplemental rules of procedure not inconsistent with this Act or such general rules.

Power of Board of Adjustment to make exceptions to zoning regulations.

Any zoning resolution of the board of county commissioners may provide that the Board of Adjustment may in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The commissioners may also authorize the Board of Adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions, as they may arise in the administration of the zoning regulations.

Interpretation of zoning maps; handling of disputed questions.

Meetings of Adjustment Board.

Meetings of the Board of Adjustment shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings of the Board of Adjustment shall be kept open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Minutes of proceedings.

Appeals to Board of Adjustment.

SEC. 33. Appeals to the Board of Adjustment. Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution. Appeals to the Board of Adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such Board of Adjustment or in the supplemental rules of procedure adopted by such Board.

Procedure.

Appellate powers, Adjustment Board.

Upon appeals the Board of Adjustment shall have the following powers:

Decision on question of alleged erroneous administrative orders.

(1). To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution.

Decision upon requests for special exceptions to zoning regulation; interpretation of maps; etc.

(2). To hear and decide, in accordance with the provisions of any such resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such Board is authorized by any such resolution to pass.

Decision upon requests for variation from strict application of zoning rules, in special hardship cases.

(3). Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions.

Vote necessary for reversal of orders appealed from.

The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

Court review.

SEC. 34. Court Review. Any persons jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board or bureau of the county may present to the Superior Court of Forsyth County a petition duly verified, setting forth that such decision is erroneous or illegal in whole or in part, specifying the grounds of the error or the illegality. Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorari, directed to the Board of Adjustment, to review such decision of the Board of Adjustment, and shall prescribe therein the time within which a return thereto must be made and served upon the relator or his attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not

Petition to Superior Court for writ of certiorari.

Effect of allowance of writ.

stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Copies of original papers certified to court.

Taking of evidence.

Power of Court to appoint referee.

Appellate powers of Court.

SEC. 35. Violations; Enforcement and Remedies. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in, or any provision of, any zoning resolution, or any amendment thereof, enacted or adopted by the Board of Commissioners for the County of Forsyth, under the authority of this Act. Any person, firm or corporation violating any such regulation, provision or amendment, or any provision of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars ($50.00), or imprisoned not more than thirty days, or both, from the expiration of ten days after proper notice shall have been served upon such violator by an officer, each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this Act or of any regulation or provision of any resolution, or amendment thereof, enacted or adopted by the Board of Commissioners for the County of Forsyth, under the authority granted by this Act, the Board, or any owner of real estate within the district in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Punishment for violations of zoning regulations.

Each day of continued violation, after notice, deemed separate offense.

Injunction and other remedies for enforcement of regulations.

Continuation of existing nonconforming uses.

SEC. 36. Nonconforming Uses. The lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the enactment of a zoning resolution, or in the case of an amendment of a resolution, then at the time of such amendment, may, except as hereinafter provided, be continued although such use does not conform with the provisions of such resolution or amendment, and such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The board of county commissioners may in any zoning resolution provide for the termination of nonconforming uses by specifying the period of periods in which nonconforming uses shall be required to cease, and providing a formula or formulae whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance.

Power of County Commissioners to terminate nonconforming uses.

Application of zoning regulations to property acquired by County for tax delinquency.

If Forsyth County acquires title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning resolution of the county, or with any amendment of such resolution, equally applicable to other like properties within the district in which the property acquired by the county is located.

Filing of zoning resolutions, maps.

SEC. 37. Filing. Upon the adoption of any zoning resolution or regulation map or maps, the board of county commissioners may file the originals with the chief clerk and a certified copy of each in the office of the register of deeds, which copies shall be accessible to the public. The register of deeds shall index such resolutions and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land.

Indexing.

Appropriations by Forsyth County for work of Planning Board and Adjustment Board.

SEC. 38. Finances. The board of county commissioners is empowered to appropriate out of the general county fund such moneys as it may deem necessary to finance the work of the County Planning Board and of the Board of Adjustment, and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes, and other purposes, in accordance with this Act, from either private or public sources, State or Federal.

Interpretation of Act as to conflicts with other laws.

SEC. 39. Conflict with Other Laws. Whenever any regulations made under authority of this Act require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other

statute, the provisions of the regulations made under authority of this Act shall govern. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Act, the provisions of such statute shall govern.

Application of Act to certain buildings of public utility corporations.

SEC. 4. Act Not to Apply to Certain Buildings of Public Utility Corporations. This Act shall not apply to any existing building, or extension thereof, used by public utility corporations, if, upon petition of the corporation, the North Carolina Utilities Commission shall, after a public hearing, decide that the present situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Act not applicable to municipal sewer or water plants, etc.

This Act shall not apply to sewage or water plants of municipal corporations or sanitary districts heretofore created under the laws of North Carolina.

Definitions.

SEC. 41. Definitions. The words "amend," "amendment," "amendments," or "amended," in this Act, shall be deemed to include any modification of the text or phraseology of any provision of any zoning resolution, or amendment thereof, or any repeal or elimination of any such provision, or part thereof, or any addition to the ordinance, or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any map forming part of or referred to, in any zoning resolution or any part of such map, any addition to such map, any new map or maps, or any other change in the map or any map.

Partial validity provision.

SEC. 42. Validity. If any Section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect or impair any other Section, clause, provision or portion of the ordinance.

Application of Act.

SEC. 42½. This Act shall apply only to Forsyth County and to the municipalities therein which are referred to in the Act or by amendments thereto.

Conflicting laws repealed.

SEC. 43. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 44. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 348 **CHAPTER 678**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT CORONER OF NASH COUNTY AND TO FIX HIS FEES.

The General Assembly of North Carolina do enact:

Appointment of Assistant Coroner, Nash County.

SECTION 1. The Coroner of Nash County, with the written consent and approval of the Superior Court Judge resident in his district, may appoint an assistant coroner of said county, who before entering upon his duties shall take and prescribe the oath prescribed by law for coroners: *Provided,* that no more than one such assistant coroner shall hold office in said county at one time. Upon compliance with the provisions of this Section, such assistant coroner shall be fully authorized and empowered to perform all the duties and functions of the office of coroner of said county as the coroner himself, and all acts, orders and judgments of such assistant coroner shall be entitled to the same faith and credit as those of such coroner. Such assistant coroner shall be subject in all respects to all laws which apply to the coroner. The Coroner of Nash County shall be held responsible for the acts of his assistant coroner.

Oath.

Duties and functions.

Responsibility of Coroner.

Fees of Coroner.

SEC. 2. The Coroner of Nash County, for holding an inquest over a dead body, shall receive a fee of ten dollars ($10.00) and, if necessarily engaged in the inquest for more than one day, shall receive for each additional day the sum of ten dollars ($10.00), and mileage in the performance of his duties at the rate of five cents (5c) per mile.

Compensation of Assistant Coroner.

SEC. 3. The assistant coroner provided for in this Act shall receive no compensation except in those cases in which he acts in the absence of the coroner, in which case he shall receive the same fees as the coroner of said county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 349 **CHAPTER 679**

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In Nash County the fees to be charged by the register of deeds shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county.

Fees of Register of Deeds, Nash County, for recording and indexing certain papers.

Recording chattel mortgages and/or title-retaining notes	$ .50
Recording printed form of crop lien and chattel mortgage, commonly known as short form	1.00
Recording all warranty deeds, minimum fee	1.50
Recording all deeds of trust and/or mortgage deeds, minimum fee	2.00
Minimum recording fee of any instrument	.50
Indexing all instruments conveying real and personal property or other recording instruments	$ .10

Schedule.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 350 **CHAPTER 680**

AN ACT TO AMEND CHAPTER 91 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE TAX COLLECTOR FOR NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 91 of the Public-Local Laws of 1941 be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

Ch. 91, Public-Local Laws, 1941, amended.

Nash County Commissioners authorized to assign duties of tax collector to County Accountant.

The Board of County Commissioners of Nash County, in their discretion, may assign the duties of tax collector to the County Accountant of Nash County, and upon such assignment the

said county accountant shall qualify for such duties as are required by this Section, and shall have the same rights and powers and be subject to the same rules in the collection of taxes as now apply to the sheriff in the collection of taxes. For his services upon such assignment the county accountant shall be paid such additional compensation therefor as may be fixed by the board of county commissioners of said county.

Extra pay for County Accountant.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 357 CHAPTER 681

AN ACT TO AMEND CHAPTER 648 OF THE SESSION LAWS OF 1945 RELATING TO THE WHITEVILLE ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Ch. 648, Session Laws, 1945, amended.

SECTION 1. Section 2 of Chapter 648 of the Session Laws of 1945 is hereby rewritten to read as follows:

Sec. 2 rewritten; boundaries of Whiteville Administrative Unit.

Unless and until altered as hereafter provided, the boundaries of said district shall be as follows:

Beginning at a point in the county line between Columbus and Bladen Counties, said point being about one mile eastwardly from Highway No. 410 and on the western boundary of the farm belonging to Arthur Collier, and runs thence a direct line in a southerly direction about 1.8 miles to the head of a branch at a point about one mile east of Highway No. 410 and one mile north of the road leading from Highway No. 410 to Wooten's Store; thence down the run of said branch to its junction with West Prong Creek; thence up West Prong Creek to its fork about 3/10 miles south on the road leading from Highway No. 701 to Highway No. 410; thence up the east fork of West Prong Creek to its head; thence a direct line in a southeasterly direction to the head of the west fork of Gray Branch; thence down the west fork of Gray Branch to its junction with the east fork of said branch; thence a direct line in a southerly direction to the intersection of a road with Highways Nos. 74

and 76, said road intersection being 2.1 miles eastwardly from the intersection of Peacock Road and Highway No. 74 and Highway No. 76; thence a direct line in a southwesterly direction to the head of the northeast fork of Cedar Branch; thence down Cedar Branch to the junction of the north and south forks of said branch; thence up the run of the south fork of Cedar Branch to its junction with File-Mile Branch; thence up Five-Mile Branch to its fork about 4/10 miles north of the road leading from Wards to Highway No. 701; thence a direct line in a southerly direction to the forks of Beaver Dam Swamp about 1-8/10 miles westwardly from Highway No. 701; thence down Beaver Dam Swamp to Highway No. 701; thence a direct line in an eastwardly direction to Highway No. 130 at Pleasant Plain Church; thence a direct line about North 30 degrees East to White Marsh; thence up White Marsh to Red Hill Swamp; thence up Red Hill Swamp to the Bladen County line; thence with the Bladen County line westward to the beginning. The same description is the one made by E. M. Eutsler, registered engineer on January 5th, 1946, and the correction as made by him on February 7th, 1947.

Said boundaries may be changed from time to time by the State Board of Education upon petition or recommendation of the Columbus County Board of Education and the Board of Trustees of the Whiteville Administrative Unit.

Procedure for change of boundaries.

SEC. 2. Rewrite Section 5 of Chapter 648 of the Session Laws of 1945 to read as follows:

Sec. 5, rewritten.

Section 5. The members of said board of trustees shall be appointed by the General Assembly and said appointees except those appointed herein, shall hold office for a period of six (6) years. Any vacancy occuring in the membership of said board of trustees, whether by death, resignation, or otherwise, shall be filled by the State Board of Education. The following persons are hereby appointed members of said board of trustees, each to serve the term designated:

Appointment and terms of trustees.

Vacancies filled.

Particular persons appointed as trustees.

(1) A. L. Boss, two years;
(2) Alton Edwards, two years;
(3) J. C. Lennon, four years;
(4) W. W. Schulken, four years;
(5) W. C. Oliver, six years;
(6) Dr. W. E. Miller, six years;
(7) J. Herman Leder, six years.

The said trustees shall have the qualifications prescribed by law for members of the Board of Education of Columbus County.

Qualifications.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 392 CHAPTER 682

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ORANGE COUNTY TO ISSUE BONDS UNDER THE COUNTY FINANCE ACT FOR THE ACQUISITION OF A SITE AND CONSTRUCTION OF AN OFFICE BUILDING TO HOUSE COUNTY ACTIVITIES.

The General Assembly of North Carolina do enact:

Orange County Commissioners authorized to issue bonds for site and construction of county office building.

SECTION 1. The purposes for which bonds may be issued by the Board of Commissioners of Orange County under the County Finance Act, Article 9 of Chapter 153 of the General Statutes of North Carolina, in addition to the purposes set forth in G. S. 153-77, shall also include the issuance of bonds for the purpose of acquiring a site and building an office building to provide space for the board of education, welfare department, health department, tax collector, auditor and other officers and functions of the said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 393 CHAPTER 683

AN ACT TO ALLOW CERTAIN COMPENSATION FOR ELECTION OFFICIALS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of election officials, Alamance County.

SECTION 1. That the Judges of Elections and Assistants in Alamance County shall each receive for their services on the day of a primary, special election and general election the sum of seven dollars and fifty cents ($7.50). The registrar shall

receive the sum of ten dollars ($10.00) per day for his services on the day of a primary, special election and general election, and shall also receive the sum of ten dollars ($10.00) for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters, and the registrars and judges of elections shall receive the same compensation for attending any meeting called by the chairman of the county board of elections, relating to their duties in any primary or election, and the Commissioners of Alamance County may provide for additional compensation for registrars in case of a new registration.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 394 **CHAPTER 684**

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Election of City Commissioners, Kings Mountain.

SECTION 1. That on the second Tuesday after the first Monday in May, 1947, and biennially thereafter, there shall be elected five city commissioners, one from each of the five wards of the city, which wards are defined and described by a city map on file in the office of the city commissioner. Each candidate for said commissioner shall reside in the ward for which he offers himself as a candidate, but shall be voted upon by all the qualified voters of the city; and the candidate from each ward receiving a majority of the votes cast by the entire city shall be declared elected as commissioner for the ward from which he is a candidate for a term of office of two years and until his successor is elected and qualified.

Terms.

Election of Mayor of City of Kings Mountain.

SEC. 2. That on the said second Tuesday after the first Monday in May, 1947, and biennially thereafter, there shall be elected a Mayor of the City of Kings Mountain; and the candidate receiving a majority of the qualified votes cast by the entire city shall be mayor and shall serve for a term of office of two years and until his successor is elected and qualified. The mayor shall have the same powers and duties as heretofore

Term.

Powers and duties.

given to the mayor of the City of Kings Mountain, shall preside at all meetings of the board, and shall have the right to vote on any question which might come before the board in case of a tie vote.

Compensation of Mayor and Commissioners.

SEC. 3. That the mayor shall receive as compensation for his services such sum as the city commissioners shall determine, but not less than fifty dollars ($50.00) per month nor more than three hundred dollars ($300.00) per month; and each member of the board of commissioners shall receive ten dollars ($10.00) for each regular monthly meeting attended by him or her.

Special election as to town charter.

SEC. 4. That it shall be the duty of the governing body of the City of Kings Mountain to cause a special election to be held not later than December 31st, 1948, for the purpose of ratifying or amending the present charter and/or the adoption of a new town charter.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act, and in particular Chapter 360 of the Private Laws of 1909, Chapter 225 of the Private Laws of 1913, Chapter 10 of the Private Laws of 1923, and Chapter 58 of the Private Laws of 1939, to the extent that the same are in conflict with the provisions of this Act, are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 401 **CHAPTER 685**

AN ACT TO PROVIDE FOR AN EXTRA ASSISTANT CLERK OF THE SUPERIOR COURT OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Appointment of two Assistant Clerks of Superior Court, Robeson County.

SECTION 1. The Clerk of the Superior Court of Robeson County shall be, and is hereby authorized to appoint two Assistant Clerks of the Superior Court of Robeson County.

Powers.

SEC. 2. The Assistant Clerks of the Superior Court of Robeson County appointed under, and by virtue of, the authority of this Act, shall each have all the powers and authority now granted by Statute to Assistant Clerks of the Superior Court.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 412 **CHAPTER 686**

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA FIXING THE TERMS OF THE SUPERIOR COURT FOR PITT COUNTY IN THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That portion of Section 7-70 of the General Statutes of North Carolina, fixing the terms of Superior Court for Pitt County in the Fifth Judicial District is hereby rewritten to read as follows:

G. S. § 7-70, amended as to Superior Court terms, Pitt County.

Pitt—Seventh Monday before the first Monday in March for civil cases only; sixth Monday before the first Monday in March; second Monday before the first Monday in March for civil cases only; second Monday after the first Monday in March for civil cases only; third Monday after the first Monday in March for the trial of both civil and criminal cases; sixth Monday after the first Monday in March and seventh Monday after the first Monday in March to constitute one term for the trial of criminal and civil cases; ninth Monday after the first Monday in March to continue for one week for the trial of civil cases; eleventh Monday after the first Monday in March, for civil cases only; twelfth Monday after the first Monday in March, for civil cases only; second Monday before the first Monday in September, for civil cases only; first Monday before the first Monday in September; first Monday after the first Monday in September, for civil cases only; third Monday after the first Monday in September, for civil cases only; seventh Monday after the first Monday in September, for civil cases only; eighth Monday after the first Monday in September; eleventh Monday after the first Monday in September, to continue for one week for trial of civil cases. For the terms beginning the ninth Monday after the first Monday in March, and the eleventh Monday after the first Monday in September, the Governor may appoint a judge to hold the same from among the regular or emergency judges.

Terms specified.

Appointment of judge to hold certain terms.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith, are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after publication.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 365 CHAPTER 687

AN ACT TO AMEND GENERAL STATUTES 7-134 RELATING TO FEES OF JUSTICES OF THE PEACE, AS IT APPLIES TO CERTAIN FEES OF JUSTICES OF THE PEACE IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 7-134, amended as to fees of Justices of Peace, Haywood County.

SECTION 1. Section 7-134 of the General Statutes of North Carolina is hereby amended by adding the following at the end thereof:

Justices of the Peace in Haywood County shall receive the following fees in the following instances:

Fees in criminal actions.

(a) In criminal actions:

Issuing warrant, including affidavit	$1.25
Judgment, uncontested	1.00
Trial and judgment (contested)	2.00
Issuing capias	.60
Making bond	.50
Commitment to jail (failure to make bond)	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

Fees in civil actions.

(b) In civil actions:

Issuing summons, one defendant	.75
Each additional defendant	.35
Judgment, uncontested	.85
Trial and judgment (contested)	1.50
Making bond	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 323 **CHAPTER 688**

AN ACT TO CLARIFY THE CHARTER OF THE TOWN OF RED SPRINGS RELATING TO ELECTIONS.

The General Assembly of North Carolina do enact:

Conduct of elections, Town of Red Springs.

SECTION 1. That all elections held in the Town of Red Springs for the purpose of electing a mayor and board of commissioners, including the election for said purpose to be held in May, 1947, shall be conducted in accordance with the General Municipal Election Law same being Article III of Chapter 160 of the General Statutes of North Carolina 1943 as amended.

Secs. 5-9, inclusive, Ch. 155, Private Laws, 1899, repealed.

SEC. 2. That Sections 5 through 9 of Chapter 155 of the Private Laws of 1899 are hereby repealed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 403 **CHAPTER 689**

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE BURLINGTON ADMINISTRATIVE SCHOOL UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Provision for special election to authorize bonds and taxes for school building purposes, Burlington Administrative School Unit.

SECTION 1. Upon receipt of a petition, signed by not less than ten (10%) per cent of the qualified voters of the territory embraced within the Burlington Administrative School Unit and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Alamance County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the

Designation of polling places; appointment of election officials; etc.

Notice of election.

Contents of notice.

New registration.

Notice of registration.

Registration period.

Challenge day.

Conduct of election.

Form of ballots.

Filing and certification of petition for election.

board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the elections returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Alamance County and referred to the Board of Elections of Alamance County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said Board shall file a certificate to that effect

with the chairman of said Board of Commissioners of Alamance County.

Determination of election results.

SEC. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Alamance County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Alamance County as aforesaid and the other filed with the Clerk of the Superior Court of Alamance County. The Board of County Commissioners of Alamance County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Publication of results.

Limitation of time for attacking validity of election, bonds, taxes.

SEC. 3. No right of action or defense founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Issuance of bonds upon favorable vote.

SEC. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Alamance County may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Alamance County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Alamance County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds

Form and provisions of bonds.

Maturity of bonds.

are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent (6%) per annum,

Interest rate.

payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may

Execution of bonds and interest coupons.

be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Alamance County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Special tax levy.

SEC. 5. The Board of County Commissioners of Alamance County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bond and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be

Collection and application of taxes.

levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Repayment of funds borrowed from N. C. Literary Fund.

SEC. 6. That in case the county, through its board of education and county commissioners, or any other governing body, shall borrow money for school purposes from the State of North Carolina Literary Fund or from any of the special building funds of the State, or shall contract an indebtedness to any other source for the benefit of said school district or unit, the county shall have full power and authority to pay said indebtedness exclusively out of taxes to be levied in such district or unit, except the Board of County Commissioners of Alamance County may pay from county funds any part of the principal and interest of said indebtedness.

Powers conferred by Act, additional to existing powers.

SEC. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other

laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Interpretation of authority granted by this Act.

SEC. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Burlington City Administrative School Unit.

Application of Act.

SEC. 9. This Act shall apply only to Burlington Administrative School Unit and Alamance County.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 11. This Act shall be in full force and effect from and after January 1st, 1948.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 347 **CHAPTER 690**

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF JOHNSTON COUNTY TO SUPPLEMENT THE FUNDS OF ANY SCHOOL DISTRICT FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Supplement of funds for operating schools, Johnston County, authorized.

SECTION 1. The Board of Education of Johnston County, with the approval of the tax levying authorities, and the State Board of Education, in order to operate schools of a higher standard than that provided by State or county support, in any district in said county administrative unit, but in no event to provide for a term of more than one hundred eighty (180) days, may supplement any funds now available to said district from either State or county funds: *Provided*, that before making any levy for supplementing said allotments, an election shall be

Tax levy subject to election in school district.

held in said district to determine whether there shall be levied a tax to provide said supplemental funds and to determine the maximum rate which may be levied therefor. Before said election can be held in such district, a petition of the district committee setting out the purposes for which said election is to be had and the maximum rate of tax which may be levied shall be approved by the county board of education, the tax levying authorities of said county, and the State Board of Education. When such approval is had, then upon the request of the county board of education, the tax levying authorities shall provide for an election under the laws governing such elections as are set forth for county and city administrative unit supplementary elections in Section 115-361 of the General Statutes of North Carolina.

Petition for election.

Provision for election.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 344 CHAPTER 691

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE FIRE AND POLICE DEPARTMENTS OF THE CITY OF WILMINGTON AND TO PROVIDE THE NECESSARY MACHINERY AND RULES FOR THE ORGANIZATION AND OPERATION OF SAID CIVIL SERVICE COMMISSION AND DEPARTMENTS.

The General Assembly of North Carolina do enact:

Creation of Civil Service Commission, Police and Fire Departments, Wilmington.

Appointment of members.

SECTION 1. That there is hereby created a Civil Service Commission for the Fire and Police Departments of the City of Wilmington, North Carolina, to consist of five members, each of whom shall be a citizen and resident of the municipality from which said member is appointed. The civil service commission shall consist of one member to be appointed by the majority action of the members of the fire department, one member to be appointed by the majority action of the members of the police department, one member to be appointed by the majority action of the governing body of the New Hanover County Medical Society and one member to be appointed by the majority action of the governing body of the Wilmington Ministerial Association, and one member to be appointed by the governing body of the

City of Wilmington; that the members of said civil service commission shall be named and appointed in the manner aforesaid within sixty days after the ratification of this Act and shall take office on the first day of the month following the expiration of said sixty days and shall serve for a period of three years or until their successors are appointed and qualified. Every three years following the date of the appointment of the original members of said commission, members of said commission shall be named and appointed in the aforesaid manner for a term of three years and any member of said commission shall be eligible for re-election or re-appointment by any of the parties designated for naming members of said commission. In the event of a vacancy occurring in the membership of said commission by the death, resignation or disqualification, which disqualification may be caused after notice and removal by two-thirds vote of all members of the agency appointing any such member, such vacancy shall be filled by the action of the agency or agencies originally authorized to name such deceased, or resigned, or disqualified member of said commission. *Provided, however,* if any of the appointing agencies herein referred to shall fail to act as herein provided within the time prescribed, then the Resident Judge of the Eighth Judicial District is empowered and directed to appoint immediately to the civil service commission such members as have not been appointed by the agencies herein designated; *provided, however,* that the present five members of the civil service commission now in office are authorized to complete their respective terms.

Terms.

Eligibility for re-appointment.

Vacancies filled.

Completion of terms by incumbents.

SEC. 2. That the members of said civil service commission, in addition to the requirements set forth in the foregoing Section, shall possess the general qualifications now or hereafter required of other officers of the municipality and shall take a similar oath (or affirmation) of office.

Qualifications of commission members.

SEC. 3. That the civil service commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as employees for the fire department and police department of such municipality. That no person or applicant shall be eligible for employment as a member of the fire department or the police department except by the majority action of the civil service commission. The civil service commission shall make all necessary rules and regulations relating to the requirements of the applicants and applications for positions in said departments. Such rules and regulations governing all applicants and applications, as aforesaid, shall be printed and made available for public inspection and for the use of applicants for employment in said departments: *Provided,* that all administrative and other powers and authority over said departments as are not specifically delegated in this

Powers and duties.

Rules and regulations.

Certain powers retained by governing board, City of Wilmington.

Act to said civil service commission are and shall be retained by the governing body of the City of Wilmington.

Examination of applicants for positions in fire and police departments.

SEC. 4. That all applicants for positions in the fire department and police department of said city shall be subjected to written examination by the said civil service commission, which shall be competitive and free to all persons possessing the right of suffrage and meeting all requirements prescribed by said commission, subject to reasonable and proper limitations as to residence, age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge the duties of the position to which they seek employment, and shall include examinations as to physical and mental qualifications as well as general fitness; but no such applicant shall be examined concerning his or her political or religious opinions or affiliations. That said civil service commission shall establish such necessary and proper regulations as it sees fit relating to the moral worth and character of all applicants for positions in the fire department and police department of such municipality, to the end that all persons certified by the civil service commission as eligible for employment in said departments shall be persons of good character as well as possessing necessary mental and physical qualifications. The civil service commission shall provide in its system of grading applicants who have served continuously for three or more years in the fire or police departments of North Carolina towns or cities having populations of thirty thousand or more, or who have actively served three or more years in the United States Army, Navy or Marine Corps, shall be allowed or given five per cent credit upon the mental or intelligence examination on account of such former service and experience; *provided, however,* that no applicant shall be allowed such credit for such former experience if he shall have been dismissed from such former service on account of incompetence, moral unfitness, or because of any violation of any regulations incident to such former employment; *provided,* that no person shall be appointed to the fire department whose age is less than twenty-one or exceeds thirty-two years or the police department whose age exceeds thirty-five years, except in case of former employees of either the fire department or the police department of said city who, prior to the ratification of this Act, served continuously for three years or more in either of said departments of said city, and who had good records in said departments and were not dismissed therefrom for cause, the commission may, in its discretion, waive the aforesaid age limits as to said former employees who served in said departments prior to the ratification of this Act: *Provided, however,* that no such former employee shall be employed for the fire

Nature of examinations.

Regulations as to moral character of applicants.

Provision for credit for prior experience and service.

Restriction as to credit for prior experience and service.

Age qualifications.

Waiver of age requirements in certain cases.

Age restrictions as to former employees.

department who is over forty years of age or for the police department who is over forty-five years of age.

Notice of examinations.

SEC. 5. That notice of the time and place of every examination shall be given by the civil service commission by publication for once a week for two weeks immediately preceding such examination in one of the newspapers circulated in such municipality, and such notice shall be posted in a conspicuous place in the office of the civil service commission and on the bulletin board of the city for at least two weeks preceding such examination.

Register of applicants passing examination.

Appointments to positions made only from successful list; priority determined by commission.

SEC. 6. That said commission shall prepare and keep as a permanent record of the commission a register of all persons successfully passing such examination, accurately reflecting grades made by such applicants. Appointments to positions in the police department and in the fire department shall be made only from the list of successful applicants as certified by the commission. The order of priority for appointment to such positions shall be determined under such rules and regulations as shall be made by the civil service commission. Whenever any appointment is to be made to either of said departments, the commission shall certify from said registered list of successful applicants three names, if available, for each appointment so to be made, and the appointments shall be made only from among the names thus certified by the commission and in the order or priority as determined by said civil service commission.

Appointment of chiefs, police and fire departments.

Qualifications of non-department personnel who may be appointed as chief.

SEC. 7. That the chief of the fire department and the chief of the police department shall be appointed by the governing body of the City of Wilmington and from the personnel of said departments. *Provided, however,* that the governing body of the City of Wilmington may employ a person to serve as the Chief of Police of Wilmington other than from the personnel of the police department, provided the person so selected for chief of the said department shall have had at least two years training in the Federal Bureau of Investigation and be recommended for the said position by the Director of the Federal Bureau of Investigation; or the governing body of the City of Wilmington may employ a person to serve as chief of police of the said city who has had at least five years experience as a police officer in a city of not less than twenty-five thousand inhabitants, and who is recommended for the said position by the Director of the Federal Bureau of Investigation. *Provided further* that the person so appointed, who shall be outside of the personnel of the Wilmington Police Department, shall not hold said position as chief of police for a period of more than eighteen months from the ratification of this Act. All promotions in the fire department and police department in said city shall be made from time to time by the governing body with due consideration being given to fitness

Promotions in fire and police departments.

Committee for recommending promotions.

and qualifications for promotions and seniority in the time of service. Each department shall appoint a committee by a secret ballot and by a majority action consisting of five members; one of whom shall be the chief in each department and the committee when appointed shall serve for a period of twelve months and until their successors are respectively appointed. Said committee shall make recommendations for promotions in their respective departments to the City Manager and the governing body of the City of Wilmington. The name or names of any member or members of the aforesaid departments recommended for promotions shall be made public under such rules and regulations as the respective recommending committees may adopt. The governing body of the City of Wilmington may demote the chief of the fire department or the chief of the police department for cause, but in the event of demotion of either or both of the chiefs of said departments such demotions shall be to a rank not lower than the rank from which said chiefs held when they were respectively appointed to the office of chief. In the event a member of either of said departments commits any offense he may be immediately suspended by the chief of said department for a period not exceeding thirty days: *provided, however,* that the chief of either of the departments so suspending a member shall file with the city manager a written complaint of the charge or charges against such member within three days after such suspension; and *provided, further,* that the person or persons so suspended upon demand shall be furnished by the chief a signed written copy of the complaint or charges preferred and the suspended member shall be entitled to a hearing before the governing body of the City of Wilmington. If upon such hearing the governing body of the City of Wilmington does not sustain the suspension, the suspended member shall be immediately reinstated and receive compensation according to his rating, and from the date of such suspension.

Publication of recommendations.

Demotion of fire and police chiefs.

Suspension of members of police and fire departments.

Written complaint and hearing.

Reinstatement with back pay, upon reversal of suspension.

Participation in political activity prohibited.

SEC. 8. That no officer or employee of said fire department or police department shall participate or take part in any election, primary, or any political contest in any manner other than that of exercising his or her right as a citizen to vote, and any officer or employee of the fire department or police department who shall violate this provision shall be dismissed from service in said department. The members of said departments shall not make any donations to any political party, faction or cause, under penalty of dismissal.

Penalty: dismissal from service.

Discharge or demotion of officers and employees for cause only.

SEC. 9. That no officer or employee of the fire department or the police department of such municipality, who shall be in good standing at the time of the passage of this Act, or who shall thereafter be appointed under the rules and regulations

provided herein, shall be discharged or demoted except as provided in Section 7 with respect to the demotion of the chiefs of said departments, and except for cause and upon written complaint, and after he or she shall have been given a reasonable opportunity for an open hearing by said civil service commission in defense of such charges; and in the event the charges preferred against such officer or employee shall be sustained, said civil service commission, in the exercise of its discretion, may demote or discharge said officer or member from the service. In the conduct of such hearing or investigation said members of said civil service commission shall have the right and power to compel by subpoena both the attendance and testimony of witnesses, together with the production of books and papers relevant to such investigation. *Provided, however,* that any decision of the civil service commission with respect to the matters contained in this Section shall be subject to review by the Superior Court of New Hanover County. *Provided, further,* that such person who may wish to appeal to the Superior Court shall file with the secretary of the commission a bond in the amount of one hundred dollars ($100.00) with sufficient surety conditioned that he will pay the cost of such appeal in the event said cost shall be taxed against him, and he shall pay to the secretary the necessary fee for entering such appeal in the Superior Court within ten days after entry of such order or decree appealed from, and upon appeal, the secretary of said commission shall forthwith transmit to the Superior Court a complete transcript of all papers and proceedings concerning the order or decree or action of the civil service commission appealed from, together with the appeal bond and fee.

Written complaint and hearing.

Powers of commission in conduct of hearings.

Review of decision by Superior Court.

Appeal bond.

Transcript of proceedings of commission transmitted to Court.

SEC. 10. That the civil service commission, at the end of the fiscal year shall make an annual report of its actions for the preceding year, which said annual report shall be kept in the files of said commission and a copy delivered to the governing body of the city.

Annual report of Commission.

SEC. 11. That said commission shall meet as soon as practical and organize by electing one of its members chairman and one who shall act as secretary. The secretary shall keep the minutes of the proceedings of said commission and shall be custodian of all papers pertaining to the business of said commission. He shall keep a record of all examinations held and perform such duties as said commission shall prescribe, for which he shall be paid compensation to be fixed by the governing body of the municipality in an amount not less than two hundred dollars ($200.00) nor more than four hundred dollars ($400.00) a year to be paid out of the general fund of said city. The members of the civil service commission other than the secretary shall serve without pay.

Organization of Commission; officers.

Duties of Secretary.

Compensation of Secretary.

Service by members without pay.

Suitable space for Commission's work provided by City.

SEC. 12. That the governing body of such municipality shall provide suitable space for said civil service commission and shall allow such reasonable use of public buildings for holding examinations and hearings by such commission as may be necessary. The municipality shall also pay all necessary expenses of said civil service commission incident to its operation; *provided,* no such expense shall be incurred by the commission unless the same shall have been approved in advance by the governing body of the city.

Operating expenses.

Payment of Secretary from general funds.

SEC. 13. That the secretary of the civil service commission shall be paid out of the general funds of the city.

Specific powers retained by City governing body.

SEC. 14. That nothing in this Act contained shall be so construed as to deprive the governing body of such municipality of its control over the finances of such city. The salaries of all officers or members of both departments shall be fixed by the governing body of said city.

Examinations not required of present members of fire and police departments.

SEC. 15. That all members of the fire department and police department of said municipality at the time of the ratification of this Act shall be continued in such employment without being required to take the examinations required of applicants for such positions under this Act, subject, however, to discharge and demotion as in this Act provided.

Seniority rights department members retained during military service.

SEC. 16. That any member of the police or fire departments of such municipality, in the event of his having been drafted, volunteered, enlisted, conscripted, or in any manner called to service under the National Defense Act, or any other Act of Congress shall retain during the time of such service all rights of seniority and shall, upon his honorable discharge from such service, be immediately reinstated to his former position in said fire department or police department. *Provided, however,* that his physical condition has not been impaired.

Conflicting laws repealed.

SEC. 17. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Partial invalidity provision.

SEC. 18. That if any Section, clause or phrase of this Act shall be declared invalid or unconstitutional, the remainder of this Act shall remain in full force and effect.

Declaration of public necessity.

SEC. 19. This Act is declared to be a public necessity and shall be in full force and effect from and after its adoption and ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 280 **CHAPTER 692**

AN ACT TO ALLOW MEMBERS OF THE STATE HIGHWAY PATROL TO TRANSFER MEMBERSHIP IN THE TEACHERS' AND STATE ENPLOYEES' RETIREMENT SYSTEM TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina do enact:

Transfer of State Highway Patrolmen from Teachers, etc. Retirement System to Law Enforcement Officers retirement fund.

SECTION 1. That all State Highway Patrolmen who are now Members of the Teachers' and State Employees' Retirement System are hereby allowed until August 1st, 1947 in which to withdraw their membership in the Teachers' and State Employees' Retirement System and become members of the Law Enforcement Officers' Benefit and Retirement Fund.

Transfer of accumulated contributions.

SEC. 2. Upon written request of a State Highway Patrolman filed with the Board of Trustees of the Teachers' and State Employees' Retirement System stating that he desires to withdraw his membership in the Teachers' and State Employees' Retirement System and become a Member of the Law Enforcement Officers' Benefit and Retirement Fund, the Executive Secretary of the Board of Trustees of the Teachers' and State Employees' Retirement System is authorized, directed, and empowered to transfer all of the employee's accumulated contributions standing to the credit of such applicant or State Highway Patrolman in the Teachers' and State Employees' Retirement System to the proper official of the Law Enforcement Officers' Benefit and Retirement Fund; and when such transfer is made, the membership of such State Highway Patrolman shall cease in the Teachers' and State Employees' Retirement System, and he shall immediately become a Member of the Law Enforcement Officers' Benefit and Retirement Fund.

Status of transferee as to retirement system membership.

Authority of Commissioners, Law Enforcement Officers Benefit and Retirement Fund to receive funds transferred.

SEC. 3. The Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund is authorized and empowered to receive any funds transferred, as provided in this Act, and to receive any additional lump-sum contributions from State Highway Patrolmen transferring their membership from the Teachers' and State Employees' Retirement System to the Law Enforcement Officers' Benefit and Retirement Fund in order to entitle such State Highway Patrolmen to the maximum benefits provided in the Act creating the Law Enforcement Officers' Benefit and Retirement Fund, and amendments thereto. All creditable service standing to the credit or heretofore accruing to the benefit of any State Highway Patrolman while a Member of the Teachers' and State Employees' Retirement System shall be deemed to be creditable service in the Law Enforcement Officers' Benefit and Retirement Fund for the benefit of any State Highway Patrolman who transfers his membership as provided

Recognition of prior creditable service of transferee.

Rules and regulations for administration of this Act.

hereunder; and the Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund is authorized and empowered to make and promulgate suitable rules and regulations to carry out the provisions of this Act: *Provided,* that any State Highway Patrolman who transfers his membership hereunder, and who is otherwise eligible under the law and regulations governing the Law Enforcement Officers' Benefit and Retirement Fund, shall be required to make contributions based on his earnable compensation to the Law Enforcement Officers' Benefit and Retirement Fund for the year beginning July 1st, 1940, and ending June 30th, 1941, in order to equalize the prior service requirements of both retirement systems.

Contributions by transferee for equalization purposes.

Status of future Highway Patrolmen as to membership in retirement systems.

SEC. 4. That every person who is employed in the future as a State Highway Patrolman shall automatically become a Member of the Teachers' and State Employees' Retirement System unless such person shall, within fifteen days after his employment, furnish the Executive Secretary of the Board of Trustees, Teachers' and State Employees' Retirement System, sufficient evidence that such person has become a Member of the Law Enforcement Officers' Benefit and Retirement Fund, in which event such person shall not be entitled to membership in the Teachers' and State Employees' Retirement System.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 6. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 188 **CHAPTER 693**

AN ACT TO AMEND CHAPTER 1, ARTICLE 35, OF THE GENERAL STATUTES, RELATING TO ATTACHMENT AND GARNISHMENT.

The General Assembly of North Carolina do enact:

G. S., Ch. 1, Art. 35, relating to Attachment, amended.

SECTION 1. Article 35 of Chapter 1 of the General Statutes is hereby amended to read as follows:

Art. 35. Attachment

Part 1. General Provisions

Nature of attachment.

Sec. 1-440.1. Nature of attachment. (a) Attachment is a proceeding ancillary to a pending principal action, is in the nature

of a preliminary execution against property, and is intended to bring property of a defendant within the legal custody of the court in order that it may subsequently be applied to the satisfaction of any judgment for money which may be rendered against the defendant in the principal action.

Conditions under which personal judgment rendered.

(b) No personal judgment, even for costs, may be rendered against a defendant unless

(1) Personal service within the State is had on
   a. The defendant, or
   b. A process agent authorized by him, or
   c. A process agent authorized expressly or impliedly by law, or unless

(2) The defendant makes a general appearance.

Provision for judgment to be satisfied out of attached property.

(c) Although there is no personal service on the defendant, or on an agent for him, and although he does not make a general appearance, judgment may be rendered in an action in which property of the defendant has been attached which judgment shall provide for the application of the attached property, by the method set out in Section 1-440.46, to the satisfaction of the plaintiff's claim as established in the principal action. If plaintiff's claim is not thereby satisfied in full, subsequent actions for the unsatisfied balance are not barred.

Subsequent actions for unsatisfied balances.

Actions in which attachment lies.

SEC. 1-440.2. Actions in which attachment may be had. Attachment may be had in any action the purpose of which, in whole or in part, or in the alternative, is to secure a judgment for money, or in any action by a wife for alimony or for maintenance and support, but not in any other action.

Grounds for attachment.

Sec. 1-440.3. Grounds for attachment. In those actions in which attachment may be had under the provisions of Section 1-440.2, an order of attachment may be issued when the defendant is

(1) A nonresident, or
(2) A foreign corporation, or
(3) A domestic corporation, whose president, vice-president, secretary or treasurer cannot be found in the State after due diligence, or
(4) A resident of the State who, with intent to defraud his creditors or to avoid service of summons,
   a. Has departed, or is about to depart, from the State, or
   b. Keeps himself concealed therein, or
(5) A person or domestic corporation which, with intent to defraud his or its creditors,
   a. Has removed, or is about to remove, property from this State, or
   b. Has assigned, disposed of, or secreted, or is about to assign, dispose of, or secrete, property.

Property subject to attachment.

Sec. 1-440.4. Property subject to attachment. All of a defendant's property within this State which is subject to levy under execution, or which in supplemental proceedings in aid of execution is subject to the satisfaction of a judgment for money, is subject to attachment under the conditions prescribed by this Article.

Issuance of order of attachment.

Sec. 1-440.5. By whom order issued; when and where; filing of bond and affidavit.

(a) An order of attachment may be issued by
(1) The Clerk of the Superior Court in which the action has been, or is being, commenced, or by
(2) The Resident Judge, the Judge regularly holding the Superior Courts of the District, or any judge holding a term of Superior Court in the county in which the action has been, or is being, commenced.

Time and place of issuance of order by a Judge.

(b) An order of attachment issued by a Judge may be issued as follows:
(1) The Resident Judge of the District, or the Judge regularly holding the Superior Courts of the District, may issue the order in open court or in chambers, at term or in vacation, and within or without the district.
(2) Any other Judge holding a term of Superior Court in the county may issue the order in open court.

Attachment bond.

(c) In those cases where the order of attachment is issued by the Judge, such Judge shall cause the bond required by Section 1-440.10 and the affidavit required by Section 1-440.11 to be filed promptly with the Clerk of the Superior Court of the county in which the action is pending.

Time of issuance of attachment order in relation to summons.

Sec. 1-440.6. Time of issuance with reference to summons or service by publication.

(a) The order of attachment may be issued.
(1) In those cases where a summons is issued, at the time the summons is issued or at any time thereafter, or
(2) In those cases where service is by publication, at the time the order of publication is made or at any time thereafter.

Attachment order prohibited after judgment.

(b) No order of attachment may be issued in any action after judgment in the principal action is had in the Superior Court.

Time for service of summons or service by publication.

Sec. 1-440.7. Time within which service of summons or service by publication must be had.

(a) When an order of attachment is issued before the summons is served,
(1) If personal service within the State is to be had, such

personal service must be had within thirty days after the issuance of the order of attachment;

(2) If such personal service within the State is not to be had,

a. Service of the summons outside the State, in the manner provided by Section 1-104, must be had within thirty days after the issuance of the order of attachment, or

b. Service by publication must be commenced not later than the thirty-first day after the issuance of the order of attachment. If publication is commenced, such publication must be completed as provided by Section 1-99, unless the defendant appears in the action or unless personal service is had on him within the State.

Effect of failure of compliance with Subsection (a).

(b) Upon failure of compliance with the applicable provisions of Subsection (a) of this Section, either the Clerk or the Judge shall, upon the motion of the defendant or any other interested party, make an order dissolving the attachment, and the defendant shall have all the rights that would accrue to him under the provisions of Section 1-440.45, the same as if the principal action had been prosecuted to judgment and the defendant had prevailed therein.

General provisions as to bonds.

Sec. 1-440.8. General provisions relative to bonds.

(a) Any bond given pursuant to the provisions of this Article shall be executed by the party required to furnish the bond and by

(1) A surety company authorized to do business in this State, as provided by Section 109-17, or by

(2) One or more individual sureties, as may be required by the court.

(b) Each individual surety shall execute an affidavit, to be attached to the bond, stating that he is a resident of the State and that he is worth the amount specified in the bond exclusive of property exempt from execution and over and above all his liabilities.

(c) Any bond given pursuant to any provisions of this Article shall be subject to the approval of the court.

(d) It is not a defense in an action on any bond given pursuant to this Article that

(1) The court had no jurisdiction to require or accept bond, or

(2) The order of attachment was improperly granted, or

(3) There was any other irregularity in the attachment proceeding.

Authority of Court to fix procedural details not prescribed.

Sec. 1-440.9. Authority of court to fix procedural details. The court of proper jurisdiction, before which any matter is pending under the provisions of this Article, shall have authority to fix and determine all necessary procedural details in all instances in which the statute fails to make definite provision as to such procedure.

Procedure to secure attachment.

Part 2. Procedure to Secure Attachment

Bond for attachment.

Sec. 1-440.10. Bond for attachment.

(a) Before the court issues an order of attachment, the plaintiff must furnish a bond as follows:

Amount of bond.

(1) The amount of the bond shall be such as may be fixed by the court issuing the order of attachment and shall be such as may be deemed necessary by the court in order to afford reasonable protection to the defendant, but shall not be less than two hundred dollars ($200.00);

Condition.

(2) The condition of the bond shall be that

a. If the order of attachment is dissolved, dismissed or set aside by the court, or

b. If the plaintiff fails to obtain judgment against the defendant, the plaintiff will pay all costs that may be awarded to the defendant and all damages that the defendant may sustain by reason of the attachment, the surety's liability, however, to be limited to the amount of the bond.

Affidavit for attachment.

Sec. 1-440.11. Affidavit for attachment; amendment.

(a) To secure an order of attachment, the plaintiff, or his agent or attorney in his behalf, must state by affidavit

(1) In every case:

a. The plaintiff has commenced or is about to commence an action, the purpose of which, in whole or in part, or in the alternative, is to secure a judgment for money, and the amount thereof,

b. The nature of such action, and

c. The ground or grounds for attachment (one or more of those stated in Section 1-440.3); and

(2) In those cases described below, the additional facts indicated:

a. If the action is based on breach of contract, that the plaintiff is entitled to recover the amount for which judgment is sought over and above all counterclaims known to him;

b. If it is alleged as a ground for attachment that the defendant has done, or is about to do, any act with

intent to defraud his creditors, the facts and circumstances supporting such allegation.

(b) A verified complaint may be used as the affidavit required by this Section. Verified complaint as affidavit.

(c) The court, in its discretion, at any time before judgment in the principal action, may allow any such affidavit to be amended even though the original affidavit is wholly insufficient. Amendment of affidavit.

(d) An amendment of an insufficient affidavit of attachment relates to the beginning of the attachment proceeding, and no rights based on such irregularity can be required by any third party by any subsequent attachment intervening between the original affidavit and the amendment. Effect of amendment of insuffcient affidavit.

Sec. 1-440.12. Order of attachment; form and contents. Order of attachment; form and contents.

(a) If the matters required by Section 1-440.11 (a) are shown by affidavit to the satisfaction of the court and if the bond required by Section 1-440.10 is furnished, the court shall issue an order of attachment which shall

(1) Show the venue, the court in which the action has been, or is being, commenced, and the title of the action;

(2) Run in the name of the State and be directed to the sheriff of a designated county;

(3) State that an affidavit for the attachment of the defendant's property has been filed with the court in the action, that the required attachment bond has been executed and delivered to the court and that it has been made to appear to the satisfaction of the court that the allegations of the plaintiff's affidavit for attachment are true;

(4) Direct the sheriff to attach and safely keep all of the property of the defendant within the sheriff's county which is subject to attachment, or so much thereof as is sufficient to satisfy the plaintiff's demand, together with costs and expenses;

(5) Direct that the order of attachment be returned to the Clerk of the Court in which the action is pending;

(6) Show the date of issuance; and

(7) Be signed by clerk or the judge issuing the order.

(b) The order of attachment shall not contain a return date, but shall be returned to the clerk as provided by Section 1-440.16. Return date.

Sec. 1-440.13. Additional orders of attachment at time of original order; alias and pluries orders. Additional orders of attachment.

(a) At the time the original order of attachment is issued, or thereafter, one or more additional orders, at the request of the plaintiff, may be issued, and any such additional order may be directed to the sheriff of any county in which the defendant may have property.

Alias or pluries orders.

(b) After the original order or orders have been returned, if no property or, in the opinion of the plaintiff, insufficient property has been attached thereunder, alias or pluries orders may be issued prior to judgment, at the request of the plaintiff, and such alias or pluries orders may be directed to the sheriff of any county in which the defendant may have property.

Notice of issuance of attachment order when no personal service.

Sec. 1-440.14. Notice of issuance of order of attachment when no personal service.

(a) When the original order of attachment is issued in an action in which an order is thereafter issued for service by publication of a notice as provided by Section 1-98, the order of publication shall direct that the published notice include notice of the issuance of the order of attachment.

Publication in newspaper.

(b) When the original order of attachment is issued after the order of publication is made, a notice of the issuance of the order of attachment shall be published once a week for four successive weeks in some newspaper published in the county in which the action is pending, such publication to be commenced within thirty days after the issuance of the order of attachment. Such notice shall show

Contents of notice.

(1) The county and the court in which the action is pending,

(2) The names of the parties,

(3) The purpose of the action, and

(4) The fact that on a date specified an order was issued to attach the defendant's property.

Publication where no newspaper in county.

(c) If no newspaper is published in the county in which the action is pending, the notice

(1) Shall be published once a week for four successive weeks in some newspaper published in the same judicial district, or

(2) Shall be posted at the courthouse door in the county for thirty days.

Notice when personal service on nonresident effected as provided by G. S. § 1-104.

(d) When an order of attachment is issued in an action in which service on the defendant is to be, or has been, had in the manner provided by Section 1-104 in lieu of personal service on the defendant,

(1) A notice of the issuance of the order of attachment shall also be served on the defendant in the same manner as is provided for service of notice by Section 1-104, which notice shall show the same facts

with reference to the attachment as are required by Subsection (b) of this Section, or

(2) A notice of the issuance of the order of attachment shall be published in the manner provided by Subsections (b) or (c) of this Section.

Part 3. Execution of Order of Attachment; Garnishment.

Execution of order of attachment; garnishment.

Sec. 1-440.15. Method of execution.

Method of execution.

(a) The sheriff to whom the order of attachment is directed shall note thereon the date of its delivery to him and shall promptly execute it by levying on the defendant's property as follows:

(1) The levy on real property shall be made as provided by Section 1-440.17;

(2) The levy on stock in a corporation shall be made as provided by Section 1-440.19;

(3) The levy on goods stored in a warehouse shall be made as provided by Section 1-440.20.

(4) The levy on tangible personal property in the possession of the defendant shall, except as provided in Section 1-440.19, be made as provided by Section 1-440.18;

(5) The levy on tangible personal property belonging to the defendant but not in his possession, or on any indebtedness to the defendant, or on any other intangible personal property belonging to the defendant, shall, except as provided by Sections 1-440.19 and 1-440.20, be made as provided by 1-440.25 relating to garnishment.

(b) The sheriff is not required to levy upon personal property before levying upon real property.

(c) In order for the sheriff to make any levy, it is not necessary for him to deliver to the defendant or any other person any copy of the order of attachment or any other process except in the case of garnishment as provided by Section 1-440.25.

Sec. 1-440.16. Sheriff's return.

Sheriff's return.

(a) After the sheriff has executed an order of attachment, he shall promptly make a written return showing all property levied upon by him and the date of such levy. In such return, he shall describe the property levied upon in sufficient detail to identify the property clearly. The sheriff forthwith shall deliver the order of attachment, together with his return, to the court in which the action is pending.

(b) If garnishment process is issued, as provided by Sections 1-440.23 and 1-440.24, the sheriff shall include in his

return a report of his proceedings with respect to such garnishment and shall return to the court the original process issued to the garnishee.

(c) If the sheriff makes no levy within ten days after the issuance of the order of attachment, he forthwith shall deliver to the court, in which the action is pending, the order, and any other process relating thereto, together with his return showing that no levy has been made and the reason therefor.

Levy on real property.

Sec. 1-440.17. Levy on real property.

(a) In order to make a levy on real property, the sheriff need not go upon the land or take control over it, but he

(1) Shall make an endorsement upon the order of attachment or shall attach thereto a statement showing that he thereby levies upon the defendant's interest in the real property described in such endorsement or statement, describing the real property in sufficient detail to identify it clearly, and

(2) Shall, as promptly as practicable, certify such levy, and the names of the parties to the action, to the Clerk of the Superior Court of the county in which the land lies.

(b) Upon receipt of the sheriff's certificate, the clerk shall docket the levy, as provided by Section 1-440.33.

Levy on tangible personal property in defendant's possession.

Sec. 1-440.18. Levy on tangible personal property in defendant's possession. The sheriff shall levy on tangible personal property in the possession of the defendant by seizing and taking into his possession so much thereof as will be sufficient to satisfy the plaintiff's demands.

Levy on corporate stocks.

Sec. 1-440.19. Levy on stock in corporation.

(a) The sheriff may levy, as on tangible property, on a share of stock in a corporation by seizing the certificate of stock.

(1) When the certificate is in the possession of the defendant, and

(2) When, by the law of the State in which the corporation is incorporated, the property interest of the stockholder is embodied in the certificate of stock, as is provided by the Uniform Stock Transfer Act or similar legislation.

(b) The sheriff may levy on a share of stock in a corporation by delivery of copies of the garnishment process to the proper officer or agent of such corporation, as set out in Section 1-440.26,

(1) When, by the law of the State in which the corporation is incorporated, the property interest of the

stockholder is not embodied in the certificate of stock, or

(2) When, by the law of the State in which the corporation is incorporated, the property interest of the stockholder is embodied in the certificate of stock, as is provided by the Uniform Stock Transfer Act or similar legislation, and

a. Such certificate has been surrendered to the corporation which issued it, or

b. The transfer of such certificate by the holder thereof has been restrained or enjoined.

(c) A restraining order or injunction against the transfer of a certificate of stock, when proper in an attachment proceeding, may be granted by the clerk or judge pursuant to a motion in the cause to which the attachment is ancillary.

Sec. 1-440.20. Levy on goods in warehouses. Levy on goods in warehouses.

(a) The sheriff may levy on goods delivered to a warehouseman for storage, by delivering copies of the garnishment process to the warehouseman, or to the proper officer or agent for the corporate warehouseman, as set out in Section 1-440.26.

(1) If a negotiable warehouse receipt has not been issued with respect thereto, or

(2) If a negotiable warehouse receipt has been issued with respect thereto, and

a. Such receipt is seized, or

b. Such receipt is surrendered to the warehouseman who issued it, or

c. The transfer of such receipt by the holder thereof is restrained or enjoined.

(b) A restraining order or injunction against the transfer of a negotiable warehouse receipt, when proper in an attachment proceeding, may be granted by the clerk or judge pursuant to a motion in the cause to which the attachment is ancillary. Injunction against transfer of negotiable warehouse receipts.

Sec. 1-440.21. Nature of garnishment. Nature of garnishment.

(a) Garnishment is not an independent action but is a proceeding ancillary to attachment and is the remedy for discovering and subjecting to attachment

(1) Tangible personal property belonging to the defendant but not in his possession, and

(2) Any indebtedness to the defendant and any other intangible personal property belonging to him.

(b) A garnishee is a person, firm, association, or corporation Garnishee defined.

to which such a summons as specified by Section 1-440.23 is issued.

Issuance of summons to garnishee.

Sec. 1-440.22. Issuance of summons to garnishee.

(a) A summons to garnishee may be issued
  (1) At the time of the issuance of the original order of attachment, by the court making such order, or
  (2) At any time thereafter prior to judgment in the principal action, by the court in which the action is pending.

(b) At the request of the plaintiff, such summons to garnishee shall, at either such time, be issued to each person designated by the plaintiff as a garnishee.

Form of summons to garnishee.

Sec. 1-440.23. Form of summons to garnishee. The summons to garnishee shall be substantially in the following form:

STATE OF NORTH CAROLINA
IN THE SUPERIOR COURT

..... County)
)
)
.....,)
Plaintiff,)
)
)
—VS—) SUMMONS TO GARNISHEE
)
)
.....,)
Defendant,)
)
)
And)
)
)
.....,)
Garnishee.)

STATE OF NORTH CAROLINA

TO....., GARNISHEE:

You are hereby summoned, as a garnishee of the defendant, ..., and required, within twenty days after the service of this summons upon you, to file a verified answer in the Office of the Clerk of the Superior Court of the above named county, at ....., North Carolina, showing—

(1) Whether, at the time of the service of this summons upon you, or at any time since then until the date of your answer, you were indebted to the defendant or had any property of his in your possession and, if so, the amount and nature thereof; and

(2) Whether, according to your knowledge, information or belief, any other person is indebted to the defendant or has any property of the defendant in his possession and, if so, the name of each such person.

In case of your failure to file such answer a conditional judgment will be rendered against you for the full amount for which the plaintiff has prayed judgment against the defendant, together with such amount as will be sufficient to cover the plaintiff's costs.

This the .....day of ....., 19.....

.....

(Here designate Clerk Superior Court or Judge.)

Form of notice of levy in garnishment proceeding.

Sec. 1-440.24. Form of notice of levy in garnishment proceeding. The notice of levy to be served on the garnishee shall be substantially in the following form:

STATE OF NORTH CAROLINA

IN THE SUPERIOR COURT

..... County)	
)	
)	
.....,)	
Plaintiff,)	
)	
)	
—VS—)	NOTICE OF LEVY.
)	
)	
.....,)	
Defendant,)	
)	
)	
And)	
)	
)	
.....,)	
Garnishee.)	

TO ....., GARNISHEE:

By virtue of the authority contained in an order of attachment issued by the Superior Court of ..... county and directed to me, I hereby levy upon any and all property that you have or hold in your possession for the account, use, or benefit of the defendant, and upon all debts owed by you to the defendant.

You are notified that a lien is hereby created on all the tangible property of the defendant in your possession, and that if you surrender the possession of, or transfer to anyone, any property belonging to the defendant, or if you pay any debt you owe

the defendant, unless the same is delivered or paid to me or to the court for such proper disposition as the court may determine, you will be subject to punishment as for contempt, and that judgment may be rendered against you for the value of such property not exceeding the full amount of plaintiff's claim and costs of the action.

This the ..... day of ....., 19.....

.....

Sheriff of .....County

Levy upon debt owed by, or property in possession of, garnishee.

Sec. 1-440.25. Levy upon debt owed by, or property in possession of, the garnishee. The levy in all cases of garnishment shall be made by delivering to the garnishee, or a process agent authorized by him or expressly or impliedly authorized by law, or some representative of a corporate garnishee designated by Section 1-440.26, a copy of each of the following:

(1) The order of attachment,

(2) The summons to garnishee, and

(3) The notice of levy.

To whom process delivered when garnishee is corporation.

Sec. 1-440.26. To whom garnishment process may be delivered when garnishee is corporation.

(a) When the garnishee is a domestic corporation, the copies of the process listed in Section 1-440.25 may be delivered to the president or other head, secretary, cashier, treasurer, director, managing agent or local agent of the corporation.

(b) When the garnishee is a foreign corporation, the copies of the process listed in Section 1-440.25 may be delivered only to the president, treasurer or secretary thereof personally and while such officer is within the State, except that

a. If the corporation has property within this State, or

b. If the cause of action arose in this State or

c. If the plaintiff resides in this State, the copies of the process may be delivered to any of the persons designated in Subsection (a) of this Section.

(c) A person receiving or collecting money within this State on behalf of a corporation is deemed to be a local agent of the corporation for the purpose of this Section.

Effect of failure of garnishee to appear.

Sec. 1-440.27. Failure of garnishee to appear.

(a) When a garnishee, after being duly summoned, fails to file a verified answer as required, the Clerk of the Court shall enter a conditional judgment for the plaintiff against the garnishee for the full amount for which the plaintiff shall have prayed judgment against the defen-

Conditional judgment.

dant, together with such amount as in the opinion of the clerk will be sufficient to cover the plaintiff's costs.

Notice of conditional judgment.

(b) The clerk shall thereupon issue a notice to the garnishee requiring him to appear not later than ten days after the date of service of the notice, and show cause why the conditional judgment shall not be made final. If, after service of such notice, the garnishee fails to appear within the time named and file a verified answer to the summons to the garnishee, or if such notice cannot be served upon the garnishee because he cannot be found within the county where the original summons to such garnishee was served, then in either such event, the clerk shall make the conditional judgment final.

Final judgment.

Admission by garnishee.

Sec. 1-440.28. Admission by garnishee; set-off; lien.

Judgment when garnishee admits debt.

(a) When a garnishee admits in his answer that he is indebted to the defendant, or was indebted to the defendant at the time of service of garnishment process upon him or at some date subsequent thereto, the Clerk of the Court shall enter judgment against the garnishee for the smaller of the two following amounts:

(1) The amount which the garnishee admits that he owes the defendant or has owed the defendant at any time from the date of the service of the garnishment process to the date of answer by the garnishee, or

(2) The full amount for which the plaintiff has prayed judgment against the defendant, together with such amount as in the opinion of the clerk will be sufficient to cover the plaintiff's costs.

Judgment when garnishee admits possession of property of defendant, free of lien.

(b) When a garnishee admits in his answer that he has in his possession personal property belonging to the defendant, with respect to which the garnishee does not claim a lien or other interest, the Clerk of the Court shall enter judgment against the garnishee requiring him to deliver such property to the sheriff, and upon such delivery the garnishee shall be exonerated as to the property so delivered.

Procedure when garnishee admits possession of property of defendant at date process served, not possessed at time of answer.

(c) When a garnishee admits in his answer that, at or subsequent to the date of the service of the garnishment process upon him, he had in his possession property belonging to the defendant, with respect to which the garnishee does not claim a lien or other interest, but that he does not have such property at the time of his answer, the Clerk of the Court shall at a hearing for that purpose determine, upon affidavits filed, the value of such property, unless the plaintiff, the defendant and the garnishee agree as to the value thereof, or unless, prior to the hearing, a jury trial thereon is demanded by one of the parties. The clerk shall

give the parties such notice of the hearing as he may deem reasonable and by such means as he may deem best.

Judgment after valuation of property under Subsection (c).

(d) When the value of the property has been determined as provided in Subsection (c) of this Section the court shall enter judgment against the garnishee for the smaller of the two following amounts:

(1) An amount equal to the value of the property in question, or

(2) The full amount for which the plaintiff has prayed judgment against the defendant, together with such amount as in the opinion of the clerk will be sufficient to cover the plaintiff's costs.

Procedure when garnishee alleges debt owed or property held subject to delivery to defendant at future date.

(e) When a garnishee alleges in his answer that the debt or the personal property due to be delivered by him to the defendant will become payable or deliverable at a future date, and the plaintiff, within twenty days thereafter, files a reply denying such allegation, the issue thereby raised shall be submitted to and determined by a jury. If it is not denied that the debt owed or the personal property due to be delivered to the defendant will become payable or deliverable at a future date, or if it is so found upon the trial, judgment shall be given against the garnishee which shall require the garnishee at the due date of the indebtedness to pay the plaintiff such an amount as is specified in Subsection (a) of this Section, or at the deliverable date of the personal property to deliver such property to the sheriff in order that it may be sold to satisfy the plaintiff's claim.

Right of garnishee to assert set-off.

(f) In answer to a summons to garnishee, a garnishee may assert any right of set-off which he may have with respect to the defendant in the principal action.

Right of garnishee to assert lien or other claim.

(g) With respect to any property of the defendant which the garnishee has in his possession, a garnishee, in answer to a summons to garnishee, may assert any lien or other valid claim amounting to an interest therein. No garnishee shall be compelled to surrender the possession of any property of the defendant upon which the garnishee establishes a lien or other valid claim amounting to an interest therein, which lien or interest attached or was acquired prior to service of the summons to garnishee, and such property only may be sold subject to the garnishee's lien or interest.

Denial of claim by garnishee; issues of fact.

Sec. 1-440.29. Denial of claim by garnishee; issues of fact.

(a) In addition to any other instances when issues of fact arise in a garnishment proceeding, issues of fact arise

(1) When a garnishee files an answer such that the court cannot determine therefrom whether the gar-

nishee intends to admit or deny that he is indebted to, or has in his possession any property of, the defendant, or

(2) When a garnishee files an answer denying that he is indebted to, or has in his possession any property of, the defendant, or was indebted to, or had in his possession any property of, the defendant at the time of the service of the summons upon him or at any time since then, and the plaintiff, within twenty days thereafter, files a reply alleging the contrary.

(b) When a jury finds that the garnishee owes the defendant a specific sum of money or has in his possession property of the defendant of a specific value, or owed the defendant a specific sum of money or had in his possession property of the defendant of a specific value at the time of the service of the summons upon him or at any time since then, the court shall enter judgment against the garnishee for the smaller of the two following amounts:

Judgment when issues determined against garnishee.

(1) The amount specified in the jury's verdict, or

(2) The full amount for which the plaintiff has prayed judgment against the defendant, together with such amount as in the opinion of the clerk will be sufficient to cover the plaintiff's costs.

Sec. 1-440.30. Time of jury trial. All issues arising under Section 1-440.28 or 1-440.29 shall, when a jury trial is demanded by any party, be submitted to and determined by a jury at the same time the principal action is tried, unless the Judge, on motion of any party for good cause shown, orders an earlier trial or a separate trial.

Time of trial of issues when jury trial demanded.

Sec. 1-440.31. Payment to defendant by garnishee. Any garnishee who shall pay to the defendant any debt owed the defendant or deliver to the defendant any property belonging to the defendant, after being served with garnishment process, and while the garnishment proceeding is pending, shall not thereby relieve himself of liability to the plaintiff.

Effect of payment, or delivery of property, to defendant.

Sec. 1-440.32. Execution against garnishee.

Execution against garnishee.

(a) Pursuant to a judgment against a garnishee, execution may be issued against such garnishee prior to judgment against the defendant in the principal action. The court may issue such execution without notice or hearing. All property seized pursuant to such execution shall be held subject to the order of the court pending judgment in the principal action.

(b) The court, pending judgment in the principal action, may permit the property to remain in the garnishee's posses-

sion upon the garnishee's giving a bond in the same manner and on the same conditions as is provided by Section 1-440.39 with respect to the discharge of an attachment by the defendant.

Part 4. Relating to Attached Property

Lien of attachment.

Sec. 1-440.33. When lien of attachment begins; priority of liens.

Docketing of notice of attachment order.

(a) Upon securing the issuance of an order of attachment, a plaintiff may cause notice of the issuance of the order to be filed with the Clerk of the Court of any county in which the plaintiff believes that the defendant has real property which is subject to levy pursuant to such order of attachment. Upon receipt of such notice the clerk shall promptly docket the same on the lis pendens docket.

Notation of levy on real estate on judgment docket; indexing.

(b) When the clerk receives from the sheriff a certificate of levy on real property as provided by Section 1-440.17, the clerk shall promptly note the levy on his judgment docket and index the same. When the levy is thus docketed and indexed,

Time when lien against land attaches.

(1) The lien attaches and relates back to the time of the filing of the notice of lis pendens if the plaintiff has prior to the levy caused notice of the issuance of the order of attachment to be properly entered on the lis pendens docket of the county in which the land lies, as provided by Subsection (a) of this Section.

(2) The lien attaches only from the time of the docketing of the certificate of levy if no entry of the issuance of the order of attachment has been made prior to the levy on the lis pendens docket of the county in which the land lies.

Time when lien attaches as to tangible personal property levied on.

(c) A levy on tangible personal property of the defendant in the hands of the garnishee, when made in the manner provided by Section 1-440.25, creates a lien on the property thus levied on from the time of such levy.

Priority of order of liens of attachment.

(d) If more than one order of attachment is served with respect to property in possession of the defendant or is served upon a garnishee, the priority of the order of the liens is the same as the order in which the attachments were levied, subject to the provisions of Subsection (b) of this Section, relating to the time when a lien of attachment begins with respect to real property.

Simultaneous attachments.

(e) If two or more orders of attachment are served simultaneously, liens attach simultaneously, subject to the provisions of Subsection (b) of this Section, relating to the time when a lien of attachment begins with respect to real property.

(f) If the funds derived from the attachment of property on which liens become effective simultaneously are insufficient to pay the judgments in full of the simultaneously attaching creditors who have liens which began simultaneously, such funds are prorated among such creditors according to the amount of the indebtedness of the defendant to each of them, respectively, as established upon the trial. Prorating of funds when liens effective simultaneously.

(g) If more than one order of attachment is served on a garnishee, the court from which the first order of attachment was issued shall, upon motion of the garnishee or of any of the attaching creditors, make parties to the action all of the attaching creditors who are not already parties thereto in order that any questions of priority among the attaching creditors may be determined in that action and in that court. Determination of priorities.

Sec. 1-440.34. Effect of defendant's death after levy. Effect of defendant's death after levy.

(a) In case of the death of the defendant, after the issuance of an order of attachment and after a levy is made thereunder but before service of summons is had or before an appearance is entered in the principal action, the levy shall remain in force
  (1) If the cause of action set forth by the plaintiff in the principal action is one which survives, and
  (2) If service is completed on the personal representative of the defendant within three months from the date of his qualification.

(b) If a levy has been made upon real property and the defendant dies before such real property is sold pursuant to the attachment, the lien of the attachment shall continue but the judgment may be enforced only through the defendant's personal representative in the regular course of administration.

Sec. 1-440.35. Sheriff's liability for care of attached property; expense of care. The sheriff is liable for the care and custody of personal property levied upon pursuant to an order of attachment just as if he had seized it under execution. Upon demand of the sheriff, the plaintiff shall advance to the sheriff from time to time such amount as may be required to provide the necessary care and to maintain the custody of the attached property. The expense so incurred in caring for and maintaining custody of attached property shall be taxed as part of the costs of the action. Liability of Sheriff for care of attached property. Advance of expenses of care. Expenses taxed as costs.

Part 5. Miscellaneous Procedure Pending Final Judgment

Dissolution of attachment order.

Sec. 1-440.36. Dissolution of the order of attachment.

Motion for dissolution.

(a) At any time before judgment in the principal action, a defendant whose property has been attached may specially or generally appear and move, either before the Clerk or the Judge, to dissolve the order of attachment.

Determination when no issues of fact.

(b) When the defect alleged as grounds for the motion appears upon the face of the record, no issues of fact arise, and the motion is heard and determined upon the record.

Determination upon affidavits in certain cases.

(c) When the defect alleged does not appear upon the face of the record, the motion is heard and determined upon the affidavits filed by the plaintiff and the defendant, unless, prior to the actual commencement of the hearing, a jury trial is demanded in writing by the plaintiff or the defendant. Either the Clerk or the Judge hearing and determining the motion to dissolve the order of attachment shall find the facts upon which his ruling thereon is based. If a jury trial is demanded by either party, the issues involved shall be submitted and determined at the same time the principal action is tried, unless the Judge, on motion of any party for good cause shown, orders an earlier trial or a separate trial.

Finding of facts by Judge or Clerk.

Trial of issues by jury.

Modification of attachment order.

Sec. 1-440.37. Modification of the order of attachment. At any time before judgment in the principal action, the defendant may apply to the Clerk or the Judge for an order modifying the order of attachment. Such motion shall be heard upon affidavits. If the order is modified, the court making the order of modification shall make such provisions with respect to bonds and other incidental matters as may be necessary to protect the rights of the parties.

Stay of order dissolving or modifying attachment order, upon appeal.

Sec. 1-440.38. Stay of order dissolving or modifying an order of attachment. Whenever a plaintiff appeals from an order dissolving or modifying an order of attachment, such order shall be stayed and the attachment lien with respect to all property theretofore attached shall remain in effect until the appeal is finally disposed of. In order to protect the defendant in the event that an order dissolving or modifying an order of attachment is affirmed on appeal, the court from whose order the appeal is taken may, in its discretion, require the plaintiff to execute and deposit with the Clerk an additional bond with sufficient surety and in an amount deemed adequate by the court to indemnify the defendant against all losses which he may suffer on account of the continuation of the lien of the attachment pending the determination of the appeal.

Additional bond.

Sec. 1-440.39. Discharge of attachment upon giving bond. Discharge of attachment.

(a) Any defendant whose property has been attached may move, either before the Clerk or the Judge, to discharge the attachment upon his giving bond for the property attached. If no prior general appearance has been made by such defendant, such motion shall constitute a general appearance. Motion for discharge upon giving bond. General appearance.

(b) The court hearing such motion shall make an order discharging such attachment upon such defendant's filing a bond as follows: Order discharging attachment upon filing of bond.

(1) If it is made to appear to the satisfaction of the court by affidavit that the property attached is of a greater value than the amount claimed by the plaintiff, the court shall require a bond in double the amount of the judgment prayed for by the plaintiff, and the condition of such bond shall be that if judgment is rendered against the defendant, the defendant will pay to the plaintiff the amount of the judgment and all costs that the defendant may be ordered to pay, the surety's liability, however, to be limited to the amount of the bond. Amount and condition of bond when property of greater value than claim.

(2) If it is made to appear to the satisfaction of the court by affidavit that the property attached is of less value than the amount claimed by the plaintiff, the court shall, upon affidavits filed, determine the value thereof and shall require a bond in double the amount of such value, and the condition of the bond shall be that if judgment is rendered against the defendant, the defendant will pay to the plaintiff an amount equal to the value of such property. Amount and condition of bond when property of less value than claim.

(c) If a bond is filed as provided in Subsection (b) of this Section, all property of such defendant then remaining in the possession of the sheriff pursuant to such attachment, including, but not by way of limitation, money collected and the proceeds of sales, shall be delivered to the defendant and shall thereafter be free from the attachment. Delivery of property to defendant free of attachment.

(d) The discharge of an attachment as provided by this Section does not bar the defendant from exercising any right provided by Sections 1-440.36, 1-440.37 or 1-440.40. Other rights of defendant not barred.

Sec. 1-440.40. Defendant's objection to bond or surety. Defendant's objection to bond or surety.

(a) At any time before judgment in the principal action, on motion of the defendant, the Clerk or Judge may, if he deems it necessary in order to provide adequate protection, require an increase in the amount of the bond previously given by or required of the plaintiff.

(b) At any time before judgment in the principal action the defendant may except to any surety upon any bond given by the plaintiff pursuant to the provisions of this Article, in which case the surety shall be required to justify, and the procedure with respect thereto shall be as is prescribed for the justification of bail in arrest and bail proceedings.

Defendant's remedies not exclusive.

Sec. 1-440.41. Defendant's remedies not exclusive. The exercise by the defendant of any one or more rights provided by Sections 1-440.36 through 1-440.40 does not bar the defendant from exercising any other rights provided by those Sections.

Plaintiff's objection to bond or surety.

Sec. 1-440.42. Plaintiff's objection to bond or surety; failure to comply with order to furnish increased or new bond.

(a) At any time before judgment in the principal action, on motion of the plaintiff, the Clerk or Judge may, if he deems it necessary in order to provide adequate protection, require an increase in the amount of the bond previously given by or required of any defendant, garnishee or intervenor.

(b) At any time before judgment in the principal action the plaintiff may except to any surety upon any bond given by any defendant, garnishee or intervenor pursuant to the provisions of this Article, in which case the surety shall be required to justify, and the procedure with respect thereto shall be as is prescribed for the justification of bail in arrest and bail proceedings.

Effect of failure to comply with order increasing bond.

(c) Upon failure of a defendant, garnishee or intervenor to comply with an order requiring an increase in the amount of a bond previously given, or upon failure to comply with an order requiring a new bond when the surety on the previous bond is unsatisfactory, the court may, in addition to any other action with respect thereto, issue an order of attachment directing the sheriff to seize and take into his possession property released upon the giving of the previous bond, if the person failing to comply with the order still has possession of the same. Such property when retaken into his possession by the sheriff shall be subject to all the provisions of this Article relating to attached property.

Remedies of third person claiming attached property or interest therein.

Sec. 1-440.43. Remedies of third person claiming attached property or interest therein. Any person other than the defendant who claims property which has been attached, or any person who has acquired a lien upon or an interest in such property, whether such lien or interest is acquired prior to or subsequent to the attachment, may

(1) Apply to the court to have the attachment order dissolved or modified, or to have the bond increased, upon the same conditions and by the same methods as are available to the defendant, or

(2) Intervene and secure possession of the property in the same manner and under the same conditions as is provided for intervention in claim and delivery proceedings.

Sale of attached property prior to judgment.

Sec. 1-440.44. When attached property to be sold before judgment.

(a) The sheriff shall apply to the Clerk or to the Judge for authority to sell property, or any share or interest therein, seized pursuant to an order of attachment,
  (1) If the property is perishable, or
  (2) If the property is not perishable, but
    a. Will materially deteriorate in value pending litigation, or
    b. Will likely cost more than one-fifth of its value to keep pending a final determination of the action, and
    c. Is not discharged from the attachment lien in the manner provided by Section 1-440.39 within ten days after the seizure thereof.

(b) If the court so orders, the property described in Subsection (a) of this Section shall thereupon be sold under the direction of the court unless the discharge of the same is secured by the defendant or other person interested therein, in the manner provided by Section 1-440.39, prior to such sale. The proceeds of such sale shall be liable for any judgment obtained in the principal action and shall be retained by the sheriff to await such judgment.

Part 6. Procedure after Judgment

Procedure when defendant prevails in principal action.

Sec. 1-440.45. When defendant prevails in principal action.

(a) If the defendant prevails in the principal action, or if the order of attachment is for any reason dissolved, dismissed or set aside, or if service is not had on the defendant as provided by Section 1-440.7,
  (1) The defendant shall be entitled to have delivered to him
    a. All bonds taken for his benefit whether filed in the proceedings or taken by an officer, and
    b. The proceeds of any sales and all money collected, and
    c. All attached property remaining in the officer's hands, and

(2) Any garnishee shall be entitled to have vacated any judgment theretofore taken against him.

(b) Either the Clerk or the Judge shall have authority, upon motion of the defendant or any garnishee, to make any such order as may be necessary or proper to carry out the provisions of Subsection (a) of this Section.

(c) The defendant may recover in the original principal action on any bond taken for his benefit therein, or he may maintain an independent action thereon.

Procedure when plaintiff prevails in principal action.

Sec. 1-440.46. When plaintiff prevails in principal action.

Satisfaction of judgment.

(a) If judgment is entered for the plaintiff in the principal action, the Sheriff shall satisfy such judgment out of money collected by him or paid to him in the attachment proceeding or out of property attached by him as follows:

Application of money in Sheriff's hands.

(1) After paying the costs of the action, he shall apply on the judgment as much of the balance of the money in his hands as may be necessary to satisfy the judgment.

Sale of attached property, except choses in action.

(2) If the money so applied is not sufficient to pay the judgment in full, the sheriff shall, upon the issuance of an execution on the judgment, sell sufficient attached property, except debts and evidences of indebtedness, to satisfy the judgment.

Collection of debts.

(3) While the judgment remains unsatisfied, and notwithstanding the pendency of the sale of any personal or real property as provided by paragraph (2) of this Subsection, the sheriff shall collect and apply on the judgment any debts or evidences of indebtedness attached by him.

Sale of remaining debts, notes, etc. after six months.

(4) If, after the expiration of six months from the docketing of the judgment, the judgment is not fully satisfied, the sheriff shall, when ordered by the Clerk or Judge, as provided in Subsection (b) of this Section, sell all debts and notes and other evidences of indebtedness remaining unpaid in his hands, and shall apply the net proceeds thereof, or as much thereof as may be necessary, to the satisfaction of the judgment. To forestall the running of the statute of limitations, earlier sale may be ordered in the discretion of the court.

Earlier sale in certain cases.

Motion for sale of choses in action under attachment.

(b) In order to secure the sale of the remaining debts and evidences of indebtedness as provided in Subsection (a) (4) of this Section, the plaintiff may move therefor, either before the Clerk or the Judge, and shall submit with his motion

Plaintiff's affidavit.

(1) His affidavit setting forth fully the proceedings had by the sheriff since the service of the attachment,

listing or describing the property attached, and showing the disposition thereof, and

(2) The affidavit of the sheriff that he has endeavored to collect the debts or evidences of indebtedness and that there remains uncollected some part thereof. Sheriff's affidavit.

Upon the filing of such motion, the court to which the motion is made shall give the defendant or his attorney such notice of the hearing thereon as the court may deem reasonable, and by such means as the court may deem best. Upon the hearing, the court may order the sheriff to sell the debts and other evidences of indebtedness remaining in his hands, or may make such other order with respect thereto as the court may deem proper. Notice to defendant of hearing. Order to sell choses in action; or other order.

(c) In case of the sale of a share of stock of a corporation or of property in a warehouse for which a negotiable warehouse receipt has been issued, the sheriff shall execute and deliver to the purchaser a certificate of sale therefor, and the purchaser shall have all the rights with respect thereto which the defendant had. Rights of purchaser of corporate stock, etc.

(d) When the judgment and all costs of the proceedings have been paid, the sheriff, upon demand of the defendant, shall deliver to the defendant the residue of the attached property or the proceeds thereof. Delivery of residue of property to defendant, upon payment of judgment and costs.

Part 7. Attachments in Justice of the Peace Courts.

Sec. 1-440.47. Powers of justice of the peace: procedure. Powers of Justices of Peace in attachment.

(a) A justice of the peace has the same powers with respect to attachment proceedings in actions of which he has jurisdiction which a Clerk or Judge of the Superior Court has with respect to attachment proceedings in actions of which the Superior Court has jurisdiction.

(b) The procedure with respect to attachment in courts of justices of the peace shall conform as nearly as practicable to the procedure of the Superior Court, and the statutes relating to attachment in the Superior Court shall be in effect and shall govern the procedure is so far as it is practicable to apply them except as otherwise provided in Sections 1-440.48 through 1-440.56 of this Article. Procedure.

Sec. 1-440.48. Return of order of attachment in justice of the peace courts. The order of attachment shall not contain a return date but shall be returned to the justice of the peace who issued it. Such return must meet the requirements with respect to the return of orders of attachment issued in the Superior Court, as provided by Section 1-440.16. Return of order of attachment in J. P. Courts.

Officers to whom order, issued by J. P., is directed.

Sec. 1-440.49. To whom order issued by justice of the peace is directed. An order of attachment issued by a justice of the peace may be directed to any constable or other lawful officer of a county, who shall have the same powers and duties with respect thereto which the sheriff has with respect to an order of attachment issued by the Superior Court.

Issuance of order by Justice of the Peace to another county.

Sec. 1-440.50. Issuance of order by justice of the peace to another county. When a justice of the peace issues an order of attachment to a county other than his own, such order may not be served in such county unless there is endorsed on or attached to the order the certificate of the Clerk of the Superior Court of the justice's county certifying that the justice issuing the order is a justice of the peace and that the signature on the order is in the handwriting of the justice. It is the duty of the Clerk of the Superior Court to issue such certificate upon application and the payment of the fee therefor.

Notice of attachment in J. P. Courts, when no personal service.

Sec. 1-440.51. Notice of attachment in justice of the peace courts when no personal service. When an order of attachment is issued by a justice of the peace and there is no personal service of the summons on the defendant against whom the attachment is issued, notice of the attachment need not be published in a newspaper, but, between the issuance of the order and the trial of the principal action, notice of the attachment must be posted for thirty days at the county courthouse door. Such notice shall state:

Posting of notice at Courthouse door.

Contents of notice.

(1) The county and the township and the name of the justice of the peace before whom the action is pending,

(2) The names of the parties,

(3) The purpose of the action, and

(4) The fact that on a date specified an order of attachment was issued against the defendant.

Powers of Justice of Peace to fix time to answer, time of trial, etc.

Sec. 1-440.52. Allowance of time for attachment and garnishment procedure in justice of the peace courts. In order that sufficient time may be allowed in any action before a justice of the peace for the parties to exercise such rights with respect to attachment and garnishment as are hereinbefore provided for, within the same periods of time as are allowed therefor in the Superior Court, the justice of the peace before whom the principal action has been, or is being, commenced has all such powers with respect to fixing the time for the defendant to appear and answer, granting continuances and fixing the time for the trial, as may be necessary or proper for that purpose, notwithstanding the provisions of Sections 7-136 and 7-149, Rule 15.

J. P. not empowered to enjoin transfer of stock certificates, etc.

Sec. 1-440.53. Certificates of stock and warehouse receipts; restraint of transfer not authorized in justice of the peace courts. Nothing in this Article is intended to authorize any justice of

the peace to restrain or enjoin the transfer of a certificate of stock or a warehouse receipt.

Procedure in J. P. Courts when land attached.

Sec. 1-440.54. Procedure in justice of the peace courts when land attached.

Docketing of notice of attachment order in Lis Pendens Docket.

(a) Upon securing the issuance of an order of attachment by a justice of the peace, a plaintiff may cause notice of the issuance of the order to be filed with the Clerk of the Court of any county in which the plaintiff believes that the defendant has real property which is subject to levy pursuant to such order of attachment. Upon receipt of such notice the Clerk shall promptly docket the same on the lis pendens docket.

J. P. not authorized to issue execution to sell real property.

(b) A justice of the peace has no authority to issue an execution to sell real property attached in any action commenced in his court. Whenever in any such action real property has been attached, the justice of the peace, upon rendering judgment in the principal action, shall deliver to the Clerk of the Superior Court of his county a copy of the judgment rendered by him together with the original order of attachment.

Docketing of judgment in Superior Court; issuance of execution by Clerk.

(c) If judgment was rendered against the defendant whose property was attached, the clerk shall docket the judgment and shall thereupon issue execution directing the sale of the real property attached as shown by the officer's return made pursuant to Section 1-440.17, or so much thereof as may be necessary to satisfy the judgment. If judgment was not rendered against the defendant whose property was attached, the Clerk shall make an entry on his judgment docket showing the discharge of the attachment.

Effect of levy of attachment, issued by J. P., on real property.

(d) Notwithstanding the lack of authority of the justice of the peace to issue an execution to sell real property, the levy of the attachment issued by him on real property constitutes a lien on such property, but only under the conditions provided by Section 1-440.33.

Trial of issue of fact in J. P. Court.

Sec. 1-440.55. Trial of issue of fact in justice of the peace court. When an issue of fact is raised pursuant to the provisions of Section 1-440.28 or 1-440.29, the justice of the peace may try such issue unless a jury trial is demanded. If a jury trial is demanded, proceedings with respect thereto shall be conducted as in other jury trials before a justice of the peace.

Jurisdiction as to recovery on bond in J. P. Court.

Sec. 1-440.56. Jurisdiction with respect to recovery on bond in justice of the peace court. Notwithstanding the provisions of Section 1-440.45(c), the defendant may recover on the plaintiff's bond in the principal action in a court of the justice of the peace only when the amount of the bond does not exceed two hundred dollars ($200.00).

Part 8. Attachment in Other Inferior Courts.

Attachment in other inferior courts.

Sec. 1-440.57. Jurisdiction of inferior courts not affected. Nothing in this Article shall be construed to change in any manner the jurisdiction of any court inferior to the Superior Court with respect to attachment.

G. S. § 7-149, J. P. Rules of Practice, Rule 17, amended as to attachments.

SEC. 2. Rule 17 of Section 7-149 of the General Statutes is hereby amended to read as follows:

Rule 17, Attachment proceedings. Attachment proceedings before justices of the peace are governed by the provisions of Sections 1-440.47 through 1-440.56.

Certain forms prescribed by G. S. § 7-184, repealed.

SEC. 3. Forms Numbers 3 through 16 and Number 47 of Section 7-184 of the General Statutes are repealed.

Effective date.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 201 CHAPTER 694

AN ACT TO AMEND SECTION 21 OF ARTICLE 3 OF CHAPTER 54 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO LOANS AND INVESTMENTS OF BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

G. S. § 54-21, amended.

SECTION 1. That Section 54-21 of the General Statutes, as amended, be further amended by adding the following Subsection:

Power of building and loan associations to make certain repair and improvement loans, insured by U. S. Government.

(b) And, further, not withstanding any other provision of law, any such association, incorporated under the laws of this State, is authorized to make any real estate repair or improvement loan under Title I of an Act of Congress of the United States entitled "National Housing Act", as amended, when such loan is insured in whole or in part by the Government of the United States or any instrumentality thereof; *provided, however*, no such loans may be made by any association when the total outstanding balance of principal and interest due the association on such loans shall equal or exceed the sum of its unencumbered contingent reserve and the insurance reserve accumulated to the credit of the association by reason of such loans.

Restriction as to making such loans.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. The public interest requires that this Act become, and it shall become, effective upon its ratification. Public interest declared.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 602 CHAPTER 695

AN ACT TO AMEND CHAPTER 53, ARTICLE 7, SECTION 86 OF THE GENERAL STATUTES OF NORTH CAROLINA, WITH REFERENCE TO FEES, COMMISSIONS OR CHARGES TO DIRECTORS AND OFFICERS OF BANKS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 53, Article 7, Section 86 of the General Statutes of North Carolina be, and the same hereby is, amended by striking out the period at the end of said Section and inserting a comma in lieu thereof, and by adding thereafter the following: G. S. § 53-86, amended, as to prohibition against receipt of gifts, commissions, etc., by bank officers, directors, etc.

and nothing in this Section shall be construed to apply to commissions on insurance and surety bond premiums. Exception.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall take effect July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 603 CHAPTER 696

AN ACT TO AMEND CHAPTER 53, ARTICLE 2, SECTION 15 OF THE GENERAL STATUTES OF NORTH CAROLINA BY REPEALING THE AUTHORITY FOR CONSOLIDATION OF BANKS AND INSURANCE CORPORATION.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 53, Article 2, Section 15 of the General Statutes of North Carolina, authorizing the consolidation of banks and insurance corporations, with the approval of the Commissioner of Banks be, and the same is hereby, repealed. G. S. § 53-15, authorizing consolidation of banks and insurance companies, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

Effective date.

SEC. 3. That this Act shall take effect on July 1st, 1947.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 610 CHAPTER 697

AN ACT TO AMEND SECTION 113-35 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO CHARGE REASONABLE FEES FOR THE USE OF FACILITIES IN STATE FORESTS, STATE PARKS AND STATE LAKES.

The General Assembly of North Carolina do enact:

G. S. § 113-35, amended.

SECTION 1. Amend Section 113-35 of the General Statutes by adding at the end thereof the following:

Authority of Dept. of Conservation and Development to operate public service facilities in State parks, etc.; fees.

The Department may construct and operate within the State forests, State parks, State lakes and any other areas under its charge suitable public service facilities and conveniences, and may charge and collect reasonable fees for the use of same; it may also charge and collect reasonable fees for

(a) The operation and use of such boats or other craft on the surface of State lakes as may be permitted under its own regulations,

(b) The erection, maintenance and use of docks, piers and such other structures as may be permitted in or on State lakes under its own regulations,

(c) Hunting privileges on State forests and fishing privileges in State forests, State parks and State lakes, provided that such privileges shall be extended only to holders of bona fide North Carolina hunting and fishing licenses, and *provided further* that all State game and fish laws and regulations are complied with.

Concessions to private concerns.

The Department may also grant to private individuals or companies concessions for operation of public service facilities for such periods and upon such conditions as the Board of Conservation and Development shall deem to be in the public interest. The Department may make reasonable rules for the regulations of the use by the public of the public service facilities and conveniences herein authorized which regulations shall have the force and effect of law and any violation of such regulations shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars ($50.00) or by imprisonment for not exceeding thirty days.

Rules and regulations.

Punishment for violations of rules and regulations.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 627 CHAPTER 698

AN ACT TO AMEND CHAPTER 97 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 97 of the General Statutes of North Carolina is hereby amended as follows: G. S. § 97-2(e), amended.

(1) Amend Section 97-2 (e) by inserting after the comma following the word "injury" in line six and before the word "divided", the following: Subsistence allowances paid to war veteran trainees by U. S., when reported to employer, as wages under Workmen's Compensation Act.

including the subsistence allowance paid to veteran trainees by the United States Government, provided the amount of said allowance shall be reported monthly by said trainee to his employer,

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 756 CHAPTER 699

AN ACT RELATING TO THE MEETING OF THE BOARD OF THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

SECTION 1. Section 113-6 of the General Statutes of North Carolina (1945 Cumulative Supplement) is amended by striking out the word "shall" in line two and inserting in lieu thereof, the word "may." G. S. § 113-6, 1945 Supplement, amended, as to meetings of Conservation and Development Board.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 758 **CHAPTER 700**

AN ACT TO CREATE AND INCORPORATE THE TOWN OF JAMESTOWN, GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Article I. Name, Boundaries and Powers.

Incorporation of Town of Jamestown.

SECTION 1. The inhabitants of the Jamestown community in Guilford County, North Carolina, as the boundaries and limits are hereinafter established be a body politic, incorporated under and to be known by the name and style of the "Town of Jamestown", with such powers, rights and duties as are herein provided.

Corporate boundaries.

SEC. 2. The corporate boundaries of the Town of Jamestown shall be as follows:

Beginning at the intersection of U. S. Highway Numbers 29 and 70 and the east line of the State Highway right of way of the Deep River Church Road in Guilford County; thence in a northerly direction along the east line of the State Highway right of way of Deep River Church Road to the south edge of the City of High Point's Lake; thence in a generally easterly direction along the south edge of the City of High Point's Lake to a point, which point is the intersection of west property line of City of High Point's City Lake Park property and Ed. Steele's property extended and the south edge of the City of High Point's Lake; thence in a southern direction along the west property line of City of High Point's City Lake Park property and Ed. Steele's property to the north edge of the right of way of State Highway Numbers 29 and 70; thence in an easterly direction along the north edge of the right of way of State Highway Numbers 29 and 70 to the east edge of Deep River; thence in a generally northerly direction along the east edge of Deep River and the east edge of the City of High Point's Lake to a point, which point is 810 feet in a northerly direction from Bundy Brothers' south-

west corner; thence in an easterly direction along a straight line to a point, J. O. Ragsdale Estate's northeast corner; thence in a southeasterly direction along a straight line to the intersection of Bull Run Creek and Highway Numbers 29 and 70; thence in a slightly southeasterly direction along a straight line to a point in the center of the junction of Bull Run Creek and Deep River; thence in a generally northwesterly direction along the center of Deep River to a point, the center line of the Southern Railway Company's Main Line; thence in a southwesterly direction along the center line of the Southern Railway Company's Main Line 1040 feet to a point; thence in a northwesterly direction along a straight line to the point of beginning.

Power of Town Council to divide town into wards.

SEC. 3. The governing body, to-wit: the Council of the Town of Jamestown, shall have the power from time to time, by ordinance, to cause a division of the territory included in the corporate limits of such town to be made into as many wards as it may deem necessary for the good of the inhabitants thereof and by ordinance shall provide for one or more voting places within such town.

General powers of town.

SEC. 4. Such Town of Jamestown shall have perpetual succession, may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts, and in all matters whatever may take, hold and purchase lands as may be needed for the corporate purposes of such town, and may sell any real estate and personal property owned by it; perform and render all public services, when deemed expedient. The Town of Jamestown shall also have power to enact and to enforce all ordinances necessary to protect health, life and property including the zoning of all property within the town and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order and security of the town and its inhabitants; to protect the life, health and property of the inhabitants of the town, and to enact and to enforce any and all ordinances. The Town of Jamestown shall also have the rights, powers, privileges and duties and obligations as contained in Chapter 160, Municipal Corporations, Chapter 159, Local Government Acts and Chapter 40, Eminent Domain, of the General Statutes of North Carolina, 1943, applicable to municipal corporations and the amendments thereto which may be made hereafter, so far as the same may not be inconsistent with the provisions of this charter.

Application of certain Chapters of General Statutes.

Article II. Governing Body—Organization, Power and Duties.

Governing body.

SECTION 1. The governing body of the Town of Jamestown shall be known as the Council of the Town of Jamestown and the government and management of the Town of Jamestown shall

be vested in such Council of Jamestown as the legislative body of such town.

Term of Mayor.

SEC. 2. The Mayor of the Town of Jamestown shall hold office for a term of two (2) years and until his successor is duly elected and qualified. Any duly qualified elector of the Town of Jamestown shall be eligible for the office of mayor. The mayor shall preside at all meetings of the council and shall have power to vote on all questions. He shall be deemed the official head and spokesman of and for the town in all acts of ceremony and he shall represent the town upon all public State occasions. In case of the death, resignation or disability of the mayor from any cause, the council shall choose a mayor from among the qualified voters of the town to serve the unexpired term.

Duties and functions of Mayor.

Vacancy filled.

Election and terms of councilmen.

SEC. 3. The councilmen shall be elected for a term of two (2) years and shall hold office until their successors are duly elected and qualified. Any duly qualified elector of the Town of Jamestown, resident in the ward to be determined by ordinance of the Council of the Town of Jamestown, may offer himself as councilman and be eligible for the office of town councilman. In the event of the death, resignation, removal from such ward which he may represent, or disability from any cause of a councilman, the council shall choose a member from among the qualified voters of the ward of the vacating councilman to fill the vacancy.

Vacancies filled.

Mayor, councilmen, prohibited from holding other public offices.

SEC. 4. No mayor or councilman shall hold any other public office or place a trust under any government or governmental subdivision of the Town of Jamestown.

Meetings of Council.

SEC. 5. The council, at its convenience, shall fix such dates for the meetings of the council which shall not be less than once in every calendar month, and shall provide by resolution for the calling of special meetings whenever same may become necessary, and shall provide rules governing the conduct and procedure of its meetings. It shall appoint a city clerk and a treasurer who shall hold office at the will of the council, fix the compensation to be paid such officers and the amount of bond to be furnished by them; *provided,* that the Council of the Town of Jamestown shall have authority to combine the offices of city clerk and city treasurer that the duties of such offices may be performed by one person.

City Clerk and Treasurer.

Quorum for Council meetings.

SEC. 6. Any three (3) councilmen or any two (2) councilmen and the mayor, shall constitute a quorum for the transaction of business in any matter before the council; a majority vote of the quorum shall control, except in the matter of ordinances and resolutions a majority of the members of the council shall be required.

SEC. 7. The compensation of each member of the council shall be two dollars ($2.00) for each meeting of the council attended by a member thereof. Compensation of councilmen.

SEC. 8. The council shall have authority to employ such other persons as it may determine and fix the compensation to be paid and any bond which they may require of such persons. Town employees.

Article III. Taxation.

SECTION 1. The Council of the Town of Jamestown may levy taxes for the governmental purposes thereof as follows: Taxing powers.

a. For the purpose of raising revenue, for defraying the expenses incident to the proper government of the municipality, the council shall have the power to levy and collect an annual ad valorem tax on all taxable property within the municipality at a rate not exceeding one dollar ($1.00) on the one hundred dollars ($100.00) of the valuation of property within the corporate limits of the Town of Jamestown as determined by the Tax Assessors of Guilford County, North Carolina, and one dollar ($1.00) on polls. Ad valorem tax for general expenses.

b. And shall levy and collect a tax ad valorem and without limitation as to the amount upon all the taxable property within the municipality upon the valuation as determined by the Tax Assessors of Guilford County, North Carolina, sufficient to pay the principal and interest of all bonds of the town which may be issued for the necessary expenses of the town, as such principal and interest become due; Ad valorem tax for debt service.

c. And may annually levy tax on all trades, professions and franchises carried on or enjoyed within the corporate limits, unless otherwise provided by law; the council shall have the power to graduate any of the license taxes on trades, professions, franchises or any subjects of taxation by dividing the same into classes, but such taxes shall be uniform to all of any class. License taxes.

SEC. 2. The Council of the Town of Jamestown hereinafter named shall have authority to obtain from the Tax Assessors of Guilford County, North Carolina, the assessed valuation of all property within the corporate limits of the Town of Jamestown and shall have authority to levy a tax ad valorem on all such property for the fiscal year of such municipal corporation 1947-1948, the lien for which taxes shall attach as of July 1st, 1947, and shall be collectable in the manner provided by the General Statutes of the State of North Carolina for 1943, and amendments thereto. Property valuations. Tax levy for fiscal year, 1947-48. Lien. Collection of taxes.

Article IV. Primaries and Elections.

SECTION 1. For the organization of the Town of Jamestown Appointment of original councilmen; terms.

and for the term herein provided the following persons are hereby appointed as the Council of the Town of Jamestown:

Thomas C. Ragsdale, Mayor, who after taking the oath required for public officers under the laws of North Carolina, shall hold office as mayor until the second Tuesday after the first Monday in May, 1949; H. N. Williard, R. E. Bundy, Robbins Tilden and W. C. Campbell shall after duly qualifying serve as Councilmen of the Town of Jamestown until the second Tuesday after the first Monday in May, 1949.

Primary elections.

SEC. 2. That on the second Tuesday before the first Monday in May, 1949, and biennially thereafter there shall be held in such precinct or precincts as shall be determined by ordinance by the Council of the Town of Jamestown, a primary election for the purpose of nominating four (4) candidates for councilmen and one (1) for mayor. The registration books for the primary to be held on the second Tuesday before the first Monday in May, 1949, and biennially thereafter shall be opened for at least two (2) weeks next preceeding the primary. All voters registered for any primary shall be deemed duly registered voters for the election to be held on the first Tuesday after the first Monday in May following.

Registration of voters.

Preparation of ballots.

SEC. 3. The Council of the Town of Jamestown shall, within five (5) days after the expiration of the time provided for filing names of candidates for nomination have prepared and printed official ballots in sufficient quantity for the primary election, which official ballots shall set forth the name of the candidate for each office, the number of candidates for which each elector may vote and a square in front of each name in which each voter shall indicate by a cross mark each of the candidates for which the elector votes. The ballots shall be distributed to the registrars on the Monday preceeding the primary who shall have them at the voting places on the following day. Each official ballot shall bear a facsimile of the City Clerk of the Town of Jamestown. Only official ballots shall be voted in the primary and if other ballots are voted, they shall not be counted. No names shall be placed upon the ballot for the general municipal election except those nominated in such primary; *provided*, that if only four (4) candidates filed for councilmen and one (1) for mayor, it shall not be necessary to hold such primary.

Distribution of ballots.

Regulations concerning ballots.

Primary not necessary under certain circumstances.

Ballots for election.

SEC. 4. That immediately after the primary election the council shall cause official ballots to be prepared in sufficient quantity for use in the election.

Registration books open before election; challenges.

SEC. 5. The registration books shall be kept open for one (1) week after the primary. Challenges shall be filed on the last Saturday before the election and heard on Monday before the election on Tuesday.

Notice of candidacy.

SEC. 6. Any person desiring to become a candidate for nomination by the primary for office of mayor or councilman shall, at least ten (10) days prior to such primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

Form.

I, ..., being first duly sworn, say that I reside at ....., Town of Jamestown, County of Guilford, State of North Carolina; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the ..... Tuesday of ....., 19....., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed) .....

Subscribed and sworn to (or affirmed) before me, by ..... on this ..... day of ....., 19.....

(Signed) .....

Filing fee.

Such person so filing shall at the same time pay to the city clerk the sum of five dollars ($5.00).

Registrars furnished with registration books, etc.

Each registrar shall be furnished by the Council of the Town of Jamestown with the registration books and such other equipment as may be necessary to conduct such primary and election.

Canvass of vote; declaration of result.

On the day following the day of the election the registrar or registrars and poll holders of the precinct or precincts shall meet and when they shall so assemble they shall form a canvassing board for such election which board shall tabulate the returns and submit a copy thereof to the Council of the Town of Jamestown. The council shall within three (3) days thereafter declare the result of such election.

Application of G. S., Ch. 163, "Elections and Election Laws."

SEC. 7. That all the provisions of Chapter 163 of the General Statutes of North Carolina, 1943, entitled "Elections and Election Laws" and amendments thereto, which are not inconsistent with this Act shall apply to primaries and elections held in the Town of Jamestown.

Provision for breaking tie vote for Mayor or councilmen, in municipal election.

SEC. 8. If of the persons voted for as mayor or councilmen of the respective wards there shall be an equal number of votes between any two candidates for like office in the municipal election in the Town of Jamestown, in such case, in order to break the tie, there shall be held on the following Tuesday an election in accordance with the provisions herein provided for holding a municipal election for the Town of Jamestown. If of the persons voted for as mayor, or as councilman of any ward, there shall be an equal number of votes cast for two candidates receiving the highest vote for the same office in the primary election for the nomination of candidates, in such case there shall

Same, as to primary election.

be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the Town of Jamestown, to break the tie.

Article V. Miscellaneous.

Restrictions on council members as to offiical matters involving personal interests of such members.

SECTION 1. No member of the Council of the Town of Jamestown shall vote on any ordinance, resolution, or motion whereby any contract is let or sale of any note or bond is authorized when such member is an officer, a director, a stockholder, or a large creditor of the other party to such a contract or bidder for such note or bond. Nor shall such member sue or attempt to use his influence directly or indirectly with other members of the Council of the Town of Jamestown to vote for any such ordinance, resolution or motion. No member of the Council of the Town of Jamestown shall vote for any ordinance, resolution or motion awarding a contract to any person, firm or corporation with whom such member has entered into a prior agreement to furnish either directly or indirectly to such person, firm or corporation any part or all of the equipment, supplies, or materials necessary or incident to or to be used in connection with the performance of such contract. Nor shall such a member use or attempt to use his influence directly or indirectly with any other member of the Council of the Town of Jamestown or other officer or employee of the town have any interest directly or indirectly in any work, business or contract wherein the town is interested, or the expenses, price, or consideration of which is paid by the town from its treasury, except such members may be a stockholder or director of a corporation doing work for or having business with the town, but in such matters he shall not vote or otherwise influence or attempt to influence other members of the Council of the Town of Jamestown. No member of the Council of the Town of Jamestown shall become surety for any person in any contract, work or business of the town, or on any bond in connection with any grant of license or franchise of the town, or any bond of any officer or employee of the town. Nor shall any member of the Council of the Town of Jamestown sell anything whatsoever, either directly or indirectly, to the Town of Jamestown. No member of the Council of the Town of Jamestown shall purchase directly or indirectly anything from or through the Town of Jamestown.

Sales to, or purchases from, Town by council members, prohibited.

Notice of claims against Town, prerequisite for bringing actions.

SEC. 2. No action against the Town of Jamestown of any character whatsoever for damages to either person or property shall be instituted against the said town unless the claimant, his attorney or personal representative, shall have given notice to the Council of the Town of Jamestown of such injury, in writing, within six months after the occurrence of the cause of complaint, stating in such notice the date and place of happening,

Contents of notice.

or infliction of said injury, the manner of such infliction or character of injury and the amount of damage claimed therefor. No suit or action shall be brought thereon within thirty days from the time of the presentation of said claim. Unless the claim is so presented within six months after the cause of action accrued any claim thereon shall be barred.

Limitation of time for actions.

SEC. 3. That the provisions of this Act shall not be construed to change any of the laws relating to the jurisdiction of the High Point Municipal Court.

Laws as to jurisdiction, High Point Municipal Court, not affected by Act.

SEC. 4. In the event that any part, Article, Section or subdivision of this Act shall be held unconstitutional, or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the Act, but the same shall continue in full force and effect notwithstanding such holding.

Partial invalidity provision.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 764 CHAPTER 701

AN ACT TO FIX THE SALARY OF THE SHERIFF OF HAYWOOD COUNTY, EFFECTIVE AS OF JANUARY 1ST, 1947.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Haywood County shall be paid an annual salary of thirty-six hundred dollars ($3,600.00) by Haywood County, payable in equal monthly installments effective as of January 1st, 1947; and in addition to this salary, the Sheriff of Haywood County shall receive as compensation for the duties of his office all fees, commissions, collections and allowances now provided by law for the Office of Sheriff of Haywood County. The Sheriff of Haywood County shall receive one thousand dollars ($1,000.00) per year for traveling expenses in Haywood County; and in addition thereto, said sheriff shall be paid six cents (6c) per mile for each mile traveled outside of Haywood County on official business by said sheriff, which said mileage shall not be paid until approved by the Board of County Commissioners of Haywood County.

Salary of Sheriff of Haywood County.

Traveling expenses.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 803 **CHAPTER 702**

AN ACT TO REGULATE AND FIX THE TERMS OF OFFICE OF CERTAIN OFFICIALS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

G. S. 155-1, amended.

SECTION 1. That Section 155-1 of the General Statutes of North Carolina is hereby amended by adding at the end thereof a new paragraph to read as follows:

Quadrennial election of Treasurer, Cumberland County.

At the general election to be held in 1948 in Cumberland County, and quadrennially thereafter, there shall be elected a treasurer who shall serve for a term of four years, and until his successor is elected and qualified.

Quadrennial election of Judge, Solicitor, and Clerk of Recorder's Court, Cumberland County.

SEC. 2. That at the general election to be held in 1948, and quadrennially thereafter, the Judge, Solicitor and Clerk of the Recorder's Court of Cumberland County shall be elected for a term of four years, and until their successors are elected and qualified. The judge and solicitor shall be eligible to succeed themselves at any election.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 915 CHAPTER 703

AN ACT TO AUTHORIZE THE TOWN COMMISSIONERS OF MORGANTON TO ABATE STREET ASSESSMENTS AGAINST NON-PROFIT, NON-STOCK, CHARITABLE HOSPITALS.

The General Assembly of North Carolina do enact:

Abatement, street or sidewalk assessments, against churches and other non-profit agencies, by Commissioners of Morganton.

SECTION 1. That the Board of Commissioners of the Town of Morganton be, and it is hereby, authorized in its discretion to abate, in whole or in part, any assessments for local street or sidewalk improvements, together with interest and penalties thereon, assessed against property owned and exclusively used for church purposes by any religious denomination and against property used exclusively for school purposes and against any non-profit, non-stock, charitable corporation owning and operating a hospital, assessed against abutting property exclusively used for hospital purposes within said municipality which by law is now exempt from ad valorem taxation. The amount of such local assessments abated shall be assumed and paid by the municiplity.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 933 CHAPTER 704

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO RELATING TO THE ELECTION OF OFFICIALS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 26, Private Laws, 1891, amended; certain sections rewritten.

SECTION 1. That Sections 3, 4, 5, 6, 7, 8 and 9 of Chapter 26, Private Laws of 1891, entitled "An Act to amend and consolidate the Acts incorporating the Town of Wadesborough," and any amendments to said Sections, be and the same are hereby repealed and the following substituted in lieu thereof:

Officers of Town of Wadesboro.

SEC. 3. The officers of said town shall consist of mayor and five commissioners, and the present mayor and commissioners shall continue to hold office until their successors are elected on

the first Tuesday after the first Monday in May, 1947, and have qualified.

Election of Mayor and Commissioners.

SEC. 4. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and bi-ennially thereafter, and shall be conducted in accordance with the General Municipal Election Laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Conduct of elections.

Notice of candidacy.

SEC. 5. Any person desiring to become a candidate for the Office of Mayor or Commissioner of the Town of Wadesboro, shall, at least ten days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA,
TOWN OF WADESBORO.

Form.

I, ..., hereby give notice that I reside in the Town of Wadesboro; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

.....
Signature

Witness:

.....

Filing fees.

SEC. 6. Candidates for mayor of said town shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fees shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have his name printed on the official ballot.

Determination of election results.

SEC. 7. The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of said town.

Appointment of police chief and other officers.

SEC. 8. The chief of police and other appointive officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town to such positions.

SEC. 9. The police officers of the Town of Wadesboro shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offense within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offenses and such officers.

Extended powers of police officers under doctrine of of hot pursuit.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed regardless of whether or not the same may be herein specifically referred to.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 852 CHAPTER 705

AN ACT TO ENABLE THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY TO CONTINUE TO PAY A WAR BONUS TO COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Greene County is hereby authorized and empowered to continue to pay a war bonus or sum in addition to the salaries heretofore paid to the employees of Greene County, including the elected officials whose salaries are fixed by the legislature, and said board is authorized in its discretion to make such payments effective at the effective date of the bonus or extra payments to the employees of the State of North Carolina, any such bonus or extra payments heretofore having been made being hereby ratified and approved. The bonus payments authorized under this Act may be continued for a period of two years next following the ratification of this Act.

Continuance of war bonus to employees and officials, Greene County, authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

H. B. 948 CHAPTER 706

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appointment of Justices of Peace.

Terms.

Time to qualify.

SECTION 1. That the following named persons be, and they are hereby appointed Justices of the Peace for their respective townships and counties in North Carolina, for a term of two years, said terms to begin on April 1st, 1947: *Provided,* that they may qualify at any time within ninety days after April 1st, 1947.

Alleghany County.

ALLEGHANY COUNTY

Cherrylane Township—J. P. Crutchfield.

Cranberry Township—M. E. Reeves.

Glade Creek Township—Hassell Rector.

Panthers Creek Township—J. K. Taylor.

Piney Creek Township—Carlie Hash.

Anson County.

ANSON COUNTY

Ansonville Township—R. C. Harkey, G. K. Martin, A. E. Hendley, Sam Lee, W. H. Randle, Ray Hendley.

Burnsville Township—G. H. Parker.

Gulledge Township—Jesse R. Ratliff, E. G. Jones.

Lanesboro Township—Tom W. Allen, L. W. Medlin.

Lilesville Township—George W. Allen, J. G. Williams.

Morven Township—Susan E. Braswell, Ira S. Johnson.

Wadesboro Township—H. C. Gray, J. E. Gray, F. B. Huntley.

White Store Township—A. B. Collins, J. W. Jones.

Ashe County.

ASHE COUNTY

Chestnut Hill Township—E. F. Gambill, W. H. McMillian.

Clifton Township—Paul Jones, Henry M. Miller, C. G. Robinson.

Creston Township—S. C. Arnold, T. T. Price.

Elk Township—J. T. Brown, Fred Krider.

Grassy Creek Township—A. J. Blevins, W. P. Colvard, Reece Graybeal.

Hurricane Township—A. L. Carter, L. V. Shepherd, A. A. Perry.

Helton Township—C. M. Dickson, Bryan Kirby.

Horse Creek Township—E. W. Stansberry.

Jefferson Township—A. G. Witherspoon.

Laurel Township—Bruce Graybeal, J. E. Oliver.

North Fork Township—B. H. Duncan, C. C. Sutherland.

Old Fields Township—J. W. Duncan, D. V. Waugh, Worth Gentry.

Obids Township—H. H. Burgess, C. L. Mash, Nelson Severt.

Peak Creek Township—R. L. Austin, L. S. Richardson.

Pine Swamp Township—A. H. Church, W. H. Owens.

Piney Creek Township—Lester Jones, Guy Spencer, F. L. Barker.
Pond Mountain Township—Harley Love.
Walnut Hill Township—A. P. Barker, P. L. McMillian.
West Jefferson Township—T. E. Parker, D. N. Pless.

AVERY COUNTY

Avery County.

Banner Elk Township—George Carver.
Cranberry Township—B. S. Dugger, W. W. Pyatte.
Linville Township—Finley Banner, Ben Isaacs, J. H. Leach, Lody Suddreth.
Roaring Creek Township—J. G. Hughes.
Toe River Township—D. Buchanan, Arizona Hughes.

BERTIE COUNTY

Bertie County.

Colerain Township—George W. Barker, Lee O. Perry, W. S. Tayloe.
Indian Woods Township—None.
Marry Hill Township—S. A. Adams.
Mitchells Township—W. G. Slade.
Roxobel Township—John Edward Tyler.
Snakebite Township—C. D. Bazemore.
Whites Township—W. R. Lawrence.
Windsor Township—Lacy M. Early, A. B. Gillam, A. C. Mitchell, L. S. Mizelle, P. T. Perry, W. S. Pritchard.
Woodville Township—J. P. Harrington.

BLADEN COUNTY

Bladen County.

Abbottsburg Township—W. G. Smith.
Bladenboro Township—J. P. Hester.
Colly Township—E. E. Cain.
Elizabethtown Township—Henry C. Brisson.
Whites Creek Township—N. G. Daniel.

BRUNSWICK COUNTY

Brunswick County.

Waccamaw Township—J. W. Stanley.

BUNCOMBE COUNTY

Buncombe County.

Reems Creek Township—Douglas C. Roberts.

BURKE COUNTY

Burke County.

Drexel Township—L. B. Bollinger, Julius L. Page, Jr.
Icard Township—D. A. Hutto, W. Gray Johnson, J. D. Knox, H. L. Lee, W. A. Wood.
Jonas Ridge Township—Asor Barrier, Leonard Barrier, W. M. Shuffler.
Linville Township—John Curtis.
Lovelady Township—Arthur Talmadge Abernethy, O. D. Keever.
Lower Creek Township—W. A. Hallyburton, Charles Rader.
Lower Fork Township—J. R. Chapman.
Morganton Township—J. H. Buckley, T. Earl Franklin, S. W.

Hoyle, E. W. Hallyburton, James R. Wacaster, Glenn Walker, A. P. Causby.

Quaker Meadows Township—Charles M. Walton, C. P. Whisnant.

Silver Creek Township—Butler Giles, W. J. Gurley, Mrs. Mae Propst Lane, Ralph C. Pollard, E. A. Pruitt.

Smoky Creek Township—Lawrence Smith.

Upper Creek Township—Eugene Perry.

Upper Fork Township—W. A. Cook.

Cabarrus County.

CABARRUS COUNTY

No. 4 Township—Ira F. Chapman.

No. 4 Township—E. A. Johnson.

No. 4 Township—B. R. Yarborough.

Caswell County.

CASWELL COUNTY

Anderson Township—F. B. Goodson.

Dan River Township—Ralph Vernon.

Hightower Township—H. V. Clayton, Joseph H. Warren, George S. Wilkins.

Leasburg Township—W. P. Cook.

Locust Hill Township—Van W. Daniel.

Milton Township—Holmes Hunt, W. L. Taylor, Arch Thomas.

Pelham Township—J. C. Gibbs, W. M. Zimmerman.

Stoney Creek Township—J. B. Turner, W. F. Shaw.

Yanceyville Township—John T. Lyon, J. C. Womack.

Catawba County.

CATAWBA COUNTY

Catawba Township—Lewis C. Poston.

Hickory Township—W. L. Clinard, R. M. Taylor.

Newton Township—Banks V. Taylor.

Chatham County.

CHATHAM COUNTY

Matthews Township and County at Large—Hal Clark.

Albright Township—J. B. Engle.

Gulf Township—W. H. Garner.

Cherokee County.

CHEROKEE COUNTY

Beaverdam Township—Willard Graham, W. M. Roberts.

Murphy Township—G. F. Hendrix, P. H. Leatherwood, A. L. Martin, G. A. Hembree, O. G. Anderson, J. W. Odell, F. O. Bartin.

Notla Township—J. W. Kilpatrick.

Shoal Creek Township—Lon Raper.

Valley Town Township—J. H. Bryson, B. P. Grant, J. W. Martin.

Chowan County.

CHOWAN COUNTY

First Township—F. W. Hobbs, W. S. Summerell.

Third Township—T. L. Ward.

Clay County.

CLAY COUNTY

Brasstown Township—John H. Brendle.

Hayesville Township—A. D. Evans, Ben H. Martin, G. G. Padgett, W. J. Winchester.

Hiawassee Township—Carl Parker.
Shooting Creek Township—Zeb Ledford.
Sweet Water Township—Crawford Auberry.
Tusquettee Township—C. W. Evans.

CLEVELAND COUNTY — Cleveland County.

No. 5 Township—S. L. Dellinger, W. N. Pope.

COLUMBUS COUNTY — Columbus County.

Boardman Township—J. H. Inman.
Chadbourn Township—F. O. Carter, Sam C. Carter, J. C. Cribb, I. C. Duncan.
Fair Bluff Township—J. A. Turner.
Tabor City Township—Willie Brooks Webster.
Whiteville Township—A. W. Baldwin, W. Ross Davis, Jr., H. S. High, A. H. Sessions.
Lee's Township—Horace Long.

CUMBERLAND COUNTY — Cumberland County.

Pearce's Mill Township—John H. Benton.

CURRITUCK COUNTY — Currituck County.

Crawford Township—J. P. Morgan, Mrs. Harriett Hampton Nottingham, W. C. Stewart.
Moyock Township—Luther Coppersmith.
Poplar Branch Township—Graham Woodhouse.

DARE COUNTY — Dare County.

Kinnakeet Township—U. G. O'Neal.

DAVIE COUNTY — Davie County.

Calahan Township—N. B. Dyson.
Fulton Township—A. E. Hendrix.
Farmington Township—G. W. Johnson.

DUPLIN COUNTY — Duplin County.

Albertson Township—Paul A. Grady, J. H. Byrd.
Warsaw Township—S. A. Jones.

DURHAM COUNTY — Durham County.

Durham Township—Z. A. Rochelle.

EDGECOMBE COUNTY — Edgecombe County.

No. 1 Township—Lewis Heilbroner.
No. 12 Township—O. J. Nye.

FORSYTH COUNTY — Forsyth County.

Winston Township—A. Shapiro.

FRANKLIN COUNTY — Franklin County.

Franklinton Township—S. C. Ford.
Sandy Creek Township—George Foster.
Youngsville Township—J. R. Pearce.

GASTON COUNTY — Gaston County.

Cherryville Township—W. C. Howell, Clay Kiser, George V. Lohr, John Mauney, Loy E. Stroup, S. S. Wacaster.
Dallas Township—Haywood R. Shuford.
South Point Township—Madison R. Hipps, George L. Pack.

Gates County.

GATES COUNTY

Gatesville Township—J. A. Eason.

Hall Township—R. C. Cowper, C. E. Sawyer.

Holly Grove Township—S. E. Riddick, L. E. McCoy.

Hunters Mill Township—S. C. Baines, W. Emmitt Brown, J. W. Overman.

Mintorsville Township—P. D. Hobbs.

Granville County.

GRANVILLE COUNTY

Brassfield Township—O. C. Jenkins, E. J. Kearney.

Oak Hill Township—John S. Watkins.

Oxford Township—Jeannette E. Biggs.

Tallyho Township—Brent Meadows.

Walnut Grove Township—L. B. McFarland, Louis Thorp, III.

Guilford County.

GUILFORD COUNTY

Washington Township—George Sockwell.

Jamestown Township—Robert D. Penny, John A. Suits.

Halifax County.

HALIFAX COUNTY

Brinkleyville Township—Tracy Qualls, C. D. Moss.

Butterwood Township—C. L. Kelly.

Conoconara Township—L. A. Parks.

Enfield Township—George R. Ivey, Paul V. Brown, Sr.

Faucettes Township—M. P. Crawley, R. C. Hedgepeth.

Halifax Township—J. G. Butts.

Littleton Township—J. H. Thrower.

Palmyra Township—D. E. Preast, E. C. Ruffin, R. H. White, W. P. White.

Roanoke Rapids Township—W. O. Thompson, Sam Young, A. E. Akers.

Scotland Neck Township—B. F. Bracy, W. J. Murphy.

Weldon Township—W. H. Anthony, W. A. Carter, D. C. Johnson.

Harnett County.

HARNETT COUNTY

Anderson's Creek Township—Ernest Darroch, W. E. Laster.

Averasboro Township—A. B. Adams, R. F. Jernigan, G. F. Owen, A. H. Wilbon.

Barbecue Township—D. B. Holder, C. W. Howard, W. H. Mason.

Black River Township—W. R. Broadwell, C. E. Denning.

Buckhorn Township—W. C. Dewar, S. M. Hobby.

Duke Township—Clarence Colville, George W. Conard, H. M. Johnson, L. B. McLean, W. T. Pate.

Grove Township—Ralvin McLeod, C. J. Turlington, J. B. Williams.

Hector's Creek Township—R. Glenn Johnson, W. M. Pearson.

Johnsonville Township—E. J. Gilchrist.

Lillington Township—W. H. Byrd, Edna Kelly, R. B. O'Quinn.

Neill's Creek Township—D. H. Green, C. P. Mitchell.

Stewart's Creek Township—T. J. Byrd, W. E. Temple, Carlyle Williams, H. B. Woodley.

Upper Little River Township—J. S. McLean, Dougald McRae.

HAYWOOD COUNTY

Haywood County.

Beaverdam Township—S. H. Justice, R. R. Mease, W. H. McElrath, W. W. Pless.

Cataloochee Township—Mack Caldwell.

Cecil Township—Jack Hipps.

Clyde Township—W. R. Bradshaw, Manson Cagle, N. C. West.

East Fork Township—J. Bryan Heatherly, Wesley A. Pless, J. A. Poston.

Fines Creek Township—F. C. Green, John Fincher, Charles B. McCracken, Roy Rogers, Homer Trantham.

Ironduff Township—J. Manson Medford.

Ivy Hill Township—V. A. Campbell.

Jonathan Creek Township—R. W. Howell, John Howell.

Pigeon Township—Gaston Burnett, D. W. Caldwell.

Waynesville Township—J. S. Black, H. B. Ledbetter, W. C. Medford, W. H. Noland.

White Oak Township—E. C. Sutton.

HENDERSON COUNTY

Henderson County.

Henderson Township—J. F. Brooks.

HERTFORD COUNTY

Hertford County.

Murfreesboro Township—F. B. Parker.

St. Johns Township—T. N. Charles, H. S. Edwards.

HOKE COUNTY

Hoke County.

Raeford Township—Hellen Snow Barrington.

HYDE COUNTY

Hyde County.

Currituck Township—Henry Berry, J. A. Lupton.

Engelhard Township—Roy Cox, William Neal, J. C. Respass.

Fairfield Township—Dan Cutrell, Henry Jones.

Ocracoke Township—Ike (Big) O'Neal.

Swanquarter Township—Archie Baum, Dick Lupton.

IREDELL COUNTY

Iredell County.

Bethany Township—J. P. Ingram.

Chambersbury Township—B. C. Howard.

Eagle Mills Township—T. G. Wallace.

Fallstown Township—G. M. Young.

New Hope Township—B. F. Williams, G. W. Harris, H. A. Hope.

Olin Township—S. R. Jurney.

Sharpesburg Township—Henry Martin.

Turnersburg Township—A. M. Gaither, B. L. Gatton.

Union Grove Township—R. F. Rash.

JACKSON COUNTY

Jackson County.

Barkers Creek Township—Dee Denton, Lyle Jones.

Canada Township—Milas Gallaway, W. T. Rigdon, Mitchell Shelton.

Caney Fork Township—Oscar Lonedahl, J. C. Shuler.
Cashier's Valley Township—T. A. Dillard, C. G. Rogers.
Cullowhee Township—R. L. Knight, T. C. Ledbetter, John Phillips.
Dillsboro Township—Tom Rogers.
Greens Creek Township—Bragg Allison, R. S. Cowan, G. L. Greene.
Hamberg Township—Frank Bryson, Freeman Fowler, W. A. Taylor.
Mountain Township—Mrs. Pearl Stewart.
Qualla Township—R. F. Hall, J. C. Hayes, Ed Hyatt.
River Township—Walter Jackson.
Savannah Township—Richmond Deitz, John C. Jones.
Scotts Creek Township—Ray Blanton, G. C. Crawford, Rickman Hensen, George Knight.
Sylva Township—Raymond Glenn.
Webster Township—John H. Morris.

Johnston County.

JOHNSTON COUNTY

Wilders Township—Ruffin Richardson, Jr.
Bentonville Township—E. E. Barfield.
Clayton Township—L. T. Rose.
Cleveland Township—W. L. Carroll.
Wilson's Mills Township—Harry N. Wilson.

Lee County.

LEE COUNTY

West Sanford Township—K. L. Baldwin.

Lenoir County.

LENOIR COUNTY

Contentnea Neck Township—J. W. Gilbert.
Institute Township—J. Paul Hill.
Moseley Hall Township—George Frederick Fields.

Lincoln County.

LINCOLN COUNTY

Catawba Springs Township—J. V. Rhyne.

Macon County.

MACON COUNTY

Ellijay Township—Grady Henry.
Burnington Township—Robert Parrish, Floyd Ramsey, W. G. Rowland.
Cowee Township—John H. Dalton.
Flats Township—E. Dryman.
Franklin Township—E. W. Long, Jim Mann, Crude Meadows.
Highlands Township—W. W. Edwards.
Millshoal Township—Jack Cabe.
Nantahala No. 1 Township—B. A. Baldwin.
Nantahala No. 2 Township—J. R. Shields.
Smith Bridge Township—Tom Alley, Arthur Blaine, J. M. Cabe.
Sugar Fork Township—W. A. Keener, E. C. Shook.

Madison County.

MADISON COUNTY

No. 1 Township—Sam Rudacill, John Ward, Jr.

No. 2 Township—Roy Franklin, B. G. Gunter, Leroy Shelton, W. B. Shelton, Floyd Wallin.
No. 5 Township—Harris Ball.
No. 6 Township—John Cassada.
No. 7 Township—Henry Roberts.
No. 8 Township—Lloyd Coward.
No. 10 Township—Wayde Gosnell, Fred S. Ramsey, Reubin Wallin.
No. 11 Township—Fred Edmonds.
No. 12 Township—Joe Worley.
No. 13 Township—Bud Dixon.
No. 16 Township—Jeter Shelton.

MARTIN COUNTY — Martin County.

Bear Grass Township—A. B. Ayers.
Cross Roads Township—C. B. Riddick.
Goose Nest Township—J. B. Whitfield.
Hamilton Township—George H. Leggett.
Jamesville Township—A. Corey.
Robersonville Township—H. S. Everett.
Williamston Township—R. H. Cowen, S. H. Grimes.

MCDOWELL COUNTY — McDowell County.

Crooked Creek Township—J. P. Walker.
Glenwood Township—J. O. Gordon.
Marion Township—Frank A. Curtis, C. W. Green, Edward H. Rowe, J. L. Nichols.
Montsford Cove Township—M. L. Ledford.
North Cove Township—Charles A. McCall.
Old Fort Township—J. F. Harmon.

MECKLENBURG COUNTY — Mecklenburg County.

Charlotte Township—C. B. Atkins.
Pineville Township—Jack G. Crump.

MITCHELL COUNTY — Mitchell County.

Bakersville Township—Benton McKinny, Brown McKinny, Mrs. E. G. Mills, R. B. Turner, Mrs. Mildred Welch, Lane Wilson.
Bradshaw Township—Fred Bryant, Janine Hughes.
Cane Creek Township—J. H. DeGoat, J. L. Morgan.
Fork Mountain Township—Dewey Burleson, W. F. Gouge, W. H. Hobson.
Grassy Creek Township—W. L. McNeal, Clifton Gibbs, W. B. Kester.
Herrell Township—Jeter Fry, W. D. Ledford, J. Dont Street, R. R. Street.
Little Rock Creek Township—Elmer Buchanan, W. F. Greene, Aught Burleson.
Poplar Township—Briscoe Peterson, Maynard Peterson.
Snow Creek Township—Harry Bailey, Jr., W. B. Buchanan, W. B. Ellis, Frank Garland.

Montgomery County.

MONTGOMERY COUNTY

Mt. Gilead Township—Jack Skidmore.

Biscoe Township—W. C. Gettel.

New Hanover County.

NEW HANOVER COUNTY

Wilmington Township—W. F. Carpenter, Nathan S. Haskett, W. N. Harris.

Northampton County.

NORTHAMPTON COUNTY

Gaston Township—G. A. Brewer, E. P. Hyman.

Jackson Township—J. H. Boone, B. L. Sykes, L .T. Warrick.

Kirby Township—Jake Lassiter, J. T. Parker, B. J. Ricks, Otis Ricks, W. F. Spencer, B. D. Stephenson.

Rich Square Township—R. B. Benthall, W. W. Carter, E. Floyd Outland, Ralph Thompson.

Roanoke Township—R. V. Beale, W. F. Nelson.

Seaboard Township—Z. L. Davanport, J. G. Long.

Wiccacanee Township—K. A. Taylor.

Onslow County.

ONSLOW COUNTY

Jacksonville Township—E. L. Arthurs, Timmons Jones.

Richlands Township—Ed Bryan, J. R. Shaw.

White Oak Township—Graham H. Eubanks, C. Graham Jones.

Silverdale Township—J. H. Gillette.

Stump Sound Township—George Sandlin, H. V. Grant.

Holly Ridge Township—Ewell Wollard.

Swansboro Township—H. V. Matthews, L. B. Pittman.

Pender County.

PENDER COUNTY

Burgaw Township—O. G. Ferrell, Charlie E. Smith.

Caswell Township—E. G. Bostic.

Holly Township—J. A. Lanier.

Long Creek Township—A. D. Scott.

Union Township—J. D. Johnson.

Person County.

PERSON COUNTY

Allensville Township—Jeff O'Briant.

Bushy Fork Township—N. H. Hester.

Flat River Township—J. O. Pearce.

Holloways Township—S. W. Melton.

Mt. Tirzah Township—R. P. Moore.

Olive Hill Township—C. E. Winstead, Jr.

Roxboro Township—W. W. Woods, R. H. Shelton, C. C. Garrett, William Smith Humphries.

Pitt County.

PITT COUNTY

Ayden Township—J. M. Hart.

Bethel Township—J. W. Rook.

Belvoir Township—W. A. Dunn.

Fountain Township—J. L. Peele.

Carolina Township—G. W. Roebuck.

Polk County.

POLK COUNTY

Columbus Township—D. J. Burnette.

Cooper's Gap Township—Dennis Jackson.

Green Creek Township—Earl Swain.
Saluda Township—G. W. Pearson, Loyd Tuck.
Tryon Township—George Bell.

RANDOLPH COUNTY — Randolph County.

Columbia Township—A. M. Staley.
Levelcross Township—W. J. Sheldon.
Asheboro, N. C.—E. H. Morris.
Randleman, N. C.—G. T. Bond.
Trinity Township—Luther B. Frazier.
Franklinville, N. C.—Earnest Routh.

RICHMOND COUNTY — Richmond County.

Beaver Dam Township—Frank Butler.
Mineral Springs Township—C. S. Bostick.
Rockingham Township—Robert L. Johnson.
Steeles Township—Homer Andrews.
Wolf Pit Township—Lloyd W. Childers, N. J. Pate.
Marks Creek Township—Davis Shelton.

ROBESON COUNTY — Robeson County.

Britts Township—George E. Thompson.
Parkton Township—T. B. McNeill.
Saddle Tree Township—Grady S. Harrell, W. P. Humphrey, R. A. McConnaughey, John A. McLeod.
St. Paul's Township—Lonnie Carroll.
Lumberton Township—John H. Taylor, H. M. McAllister.

ROCKINGHAM COUNTY — Rockingham County.

New Bethel Township—W. G. Sharpe.

ROWAN COUNTY — Rowan County.

Atwell Township—A. L. Deal.
China Grove Township—L. J. Brown, A. H. Spry.
Cleveland Township—J. O. Moore.
Morgan Township—W. I. Kirk, Thomas H. Morgan.
Providence Township—A. L. Poole.
Salisbury Township—Benton Ludwig, Elizabeth L. Massey.
Scotch Irish Township—R. J. Lyerly.
Steele Township—J. R. Lyerly.

SCOTLAND COUNTY — Scotland County.

Stewartsville Township—W. L. Biggs, Jr., Charles L. Prince, W. P. Stewart.

STANLY COUNTY — Stanly County.

S. Albemarle Township—J. A. Little.
Center Township—S. V. Ross.
Almond Township—T. F. Rowland.

STOKES COUNTY — Stokes County.

Big Creek Township—Charles Arrington.
Danbury Township—P. C. Campbell, S. P. Christian.
Sauratown Township—P. H. Linville, Elkin Smith.
Snow Creek Township—J. Moir Hawkins.
Quaker Gap Township—Cecil Frye.

Yadkin Township—J. L. Christion.

Surry County.

SURRY COUNTY

Dobson Township—F. F. Riggs, Marvin Wilmoth.

Elkin Township—C. W. Young.

Shoals Township—J. A. Allen.

Siloam Township—B. E. Whitaker.

Swain County.

SWAIN COUNTY

Charleston Township—Floyd Cunningham, T. H. DeBoard, Webb Green.

Nantahala Township—Vance DeHart, Harold Young.

Transylvania County.

TRANSYLVANIA COUNTY

Brevard Township—M. W. Galloway.

Gloucester Township—Allen McCall.

Tyrrell County.

TYRRELL COUNTY

Columbia Township—E. P. Cahoon.

Gum Neck Township—W. F. Weatherly.

Scuppernong Township—M. K. Armstrong.

Union County.

UNION COUNTY

Goose Creek Township—A. E. Little.

Jackson Township—R. D. Sims.

Lanes Creek Township—E. E. Huggins.

Monroe Township—R. F. Beasley, Jr., J. Vernon Griffin, W. K. Helms, C. M. Shannon.

Vance County.

VANCE COUNTY

Henderson Township—C. C. Finch, R. N. Gupton, Fred B. Hight, H. W. Hight, C. P. Lowry, J. M. Mitchell, S. B. Rogers.

Kittrell Township—T. T. Ellis, A. B. Pleasants.

Middleburg Township—E. L. Fleming, B. S. Parham, A. P. Paschall.

Sandy Creek Township—W. J. Bowen.

Townsville Township—R. B. Taylor.

Watkins Township—R. G. Cawthorne.

Williamsboro Township—J. H. Rice.

Warren County.

WARREN COUNTY

Warrenton Township—J. C. Moore.

Washington County.

WASHINGTON COUNTY

Lees Mill Township—W. B. Davenport, Henry S. Everett, W. T. Freeman, J. T. Griffin.

Plymouth Township—John H. Allen, E. H. Liverman, J. T. McNair, W. E. Weede.

Scuppernong Township—Harry P. Barnes, J. A. Combs, T. F. Davenport, O. D. Hatfield.

Skinnerville Township—E. O. Arnold, Hubert L. Davenport, W. A. Spruill.

Watauga County.

WATAUGA COUNTY

Bald Mountain Township—Clyde Jackson.

Beaver Dam Township—G. D. Matheson, A. E. Trivette.

Blue Ridge Township—Dallas Hodges, Elmer Miller.

Boone Township—A. J. Edmisten, Ralph Greer, Greer Hodges.
Brushy Fork Township—Coy Bingham, Thomas Miller.
Laurell Creek Township—C. F. Thompson, Aud Ward.
Meat Camp Township—C. G. Hodges, Verne Greene, L. E. Beach.
New River Township—S. J. Barnes, Farthing Hayes.
North Fork Township—Delmer Mock.
Shawneehaw Township—A. C. Miller, W. C. Smith, Earnie Triplett.
Stoney Fork Township—Hayes Welborn.
Watauga Township—John Fox, Jr.

WILKES COUNTY

Wilkes County.

Beaver Creek Township—T. W. Ferguson.
Brushy Mountain Township—J. C. Tedder.
Edwards Township—Clifton Prevette, J. W. Cheek.
Elk Township—W. E. Horton.
Lewis Fork Township—Colin Foster.
Mulberry Township—Warner Elledge, Stacy H. Jones, Clyde Kilby.
North Wilkesboro Township—Mansfield Minton, Audrey Templeton.
Rock Creek Township—L. F. Cavdill.
Somers Township—C. W. Hanes.
Traphill Township—D. H. Brown, W. B. Hall, John A. Holbrook.
Union Township—George Jennings.
Walnut Cove Township—W. W. Gambill, T. G. Johnson.
Wilkesboro Township—I. C. Church, J. C. Grayson, Frances B. Somers.

YADKIN COUNTY

Yadkin County.

Knobs Township—Paul Robbins, Carl Sprinkle.
Buck Shoal Township—B. C. Shore.
Deep Creek Township—W. B. Stelman, John A. Swaim.
Liberty Township—Edgar Brown, N. P. Bryant, M. T. Shore.
Forbush Township—Thomas L. Harding.
East Bend Township—Earl Norman, J. N. Davis.
Fall Creek Township—W. A. Williams, R. K. Brown, Robert Angell.
Booneville Township—Walter Wagonner.

YANCEY COUNTY

Yancey County.

Burnsville Township—G. M. Angel, S. T. Bennett, L. E. Briggs, Molt Hensley, F. R. Higgins, S. J. Ray, S. H. Banks.
Brush Creek Township—L. D. Thomas, John P. Woody.
Cane River Township—A. C. Angel, W. M. Hensley, J. W. McAlister, J. M. Wilson, E. J. Angel.
Crabtree Township—R. N. Silver, J. M. Thomas.
Egypt Township—Bannister Hensley, W. M. Pate.
Green Mountain Township—R. A. Peake, J. C. Turner.
Jacks Creek Township—U. B. Deyton, Carl T. Young.

Pensacola Township—U. S. Allen, Welzie Riddle.

Prices Creek Township—Harmon Edwards, W. L. McClelland.

Ramseytown Township—R. E. Holloway, J. Will Higgons.

South Toe Township—J. W. Hoover, L. M. Robinson, W. R. Robinson, Rhonda Westall.

Effective date.

SEC. 2. That this Act shall be in full force and effect from and after the 1st day of April, 1947.

In the General Assembly read three times and ratified, this the 2nd day of April, 1947.

S. B. 269 CHAPTER 707

AN ACT TO PROVIDE THAT CERTAIN OFFICERS OF THE TOWN OF WAYNESVILLE NEED NOT BE RESIDENTS OR QUALIFIED VOTERS THEREOF.

The General Assembly of North Carolina do enact:

Non-residents as police officers and employees, Waynesville and other municipalities, Haywood County.

SECTION 1. It shall not be necessary for any police officer or any other person holding a clerical position with the Town of Waynesville or any other incorporated city or town in Haywood County to be a resident of or a qualified voter in said Town of Waynesville or any other incorporated city or town in Haywood County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws and G. S. 160-25, to the extent that they are in conflict with the provisions of this Act, are hereby repealed.

Application of Act.

SEC. 3. This Act shall apply to the Town of Waynesville and all other incorporated cities and towns in Haywood County.

SEC. 4. This Act shall become effective on its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 282 CHAPTER 708

AN ACT TO FIX THE COMPENSATION OF CERTAIN ELECTION OFFICIALS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Election Board Chairman and members, and other election officials, Lincoln County.

SECTION 1. In Lincoln County the Chairman of the Lincoln County Board of Elections and each member of said board and all registrars of elections shall each receive as compensation for their services, the sum of eight dollars ($8.00) per day for

each day in which they served in such capacity. The Judges of Elections of Lincoln County shall each receive for their services the sum of six dollars ($6.00) per day for each day in which they serve in such capacity.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 313 **CHAPTER 709**

AN ACT TO AMEND SECTION 113-111 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FOX HUNTING.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 469 of the Public-Local Laws of 1929 be, and the same is hereby, repealed. Ch. 469, Public-Local Laws, 1929, as to protection of foxes, Forsyth County, repealed.

SEC. 2. It shall be unlawful for any person, firm, or corporation to import into and release foxes in Forsyth County. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars ($200.00) or more than five hundred dollars ($500.00) or imprisoned for not more than six months, or both, in the discretion of the court. Importation and release of foxes in Forsyth County, prohibited. Punishment of violations.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 333 **CHAPTER 710**

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM AS CONTAINED IN CHAPTER 232 OF THE PRIVATE LAWS FOR THE YEAR 1927, TO AUTHORIZE CALLING OF ELECTIONS ON EXTENSION OF WINSTON-SALEM CITY LIMITS.

The General Assembly of North Carolina do enact:

Ch. 232, Private Laws, 1927, amended.

SECTION 1. Section 2 of Article I of Chapter 232 of the Private Laws of North Carolina for the year 1927 is hereby amended by striking therefrom all of the first sentence of the last paragraph of said Section following the word "Provided," and by inserting in lieu thereof and immediately followng the said word "Provided," the following:

Aldermen, City of Winston-Salem, empowered to define adjacent area, proper for annexation.

that the Board of Aldermen of the City of Winston-Salem may, from time to time, define any territory adjacent to the existing corporate limits of the City of Winston-Salem, which in the judgment of the board of aldermen should be annexed to the City of Winston-Salem and be included within its corporate limits. The board of aldermen shall give notice of its

Public hearing.

intention to consider a resolution describing territory to be annexed to the city and shall conduct a public hearing upon such resolution. The time and place of the hearing and a description of the territory being considered for annexation shall

Publication of notice.

be advertised once a week for four successive weeks in some newspaper having a general circulation in Forsyth County.

Request to Forsyth County Elections Board for election on question of annexing territory to city.

Following such hearing and upon the adoption of a resolution defining and describing such territory, and finding that it is advisable that such territory be annexed to the City of Winston-Salem, the board of aldermen shall furnish to the Forsyth County Board of Elections a certified copy of the resolution and shall request the Forsyth County Board of Elections to call and conduct an election to determine whether or not such territory shall be annexed to the City of Winston-Salem.

Call of election.

Upon receipt of the certified copy of the resolution the Forsyth County Board of Elections shall call an election to be held not less than 60 days and not later than 90 days following the

Other duties of Election Board.

adoption of the resolution by the board of aldermen and the call for said election shall:

Territory described.

(a) describe the territory proposed to be annexed to the city;

Submission of question to vote.

(b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said city as shown by its general registration books and of the territory to be annexed, voting together;

(c) provide for a new or special registration of voters in the territory proposed to be annexed for said election; Registration of voters.

(d) designate the precincts and voting places for such election; Precincts.

(e) name the registrars and the judges of election; Election officials.

(f) make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the results, and said call shall be published once a week for four successive weeks prior to said election in some newspaper having a general circulation in Forsyth County. Conduct of election. Publication of call of election.

At such election the qualified voters shall be furnished ballots on which shall be printed the words "For Extension" and "Against Extension". If at such election a majority of votes cast shall be "For Extension", then from and after the 31st day of December of the year in which the election is held the territory so voted on and its citizens and property shall be subject to all the laws, ordinances and regulations then in force or thereafter adopted in the City of Winston-Salem, and same shall be included within the corporate limits of the City of Winston-Salem and shall be a part of said city, and the territory so annexed and the citizens and property therein shall be afforded by the City of Winston-Salem as soon as practicable the same municipal privileges, benefits, services and facilities, without discrimination, as are afforded other comparable parts of the City of Winston-Salem at the time said territory is annexed. Form of ballots. Effect of majority vote for extension.

The cost of holding such elections shall be a necessary public expense and shall be paid from the general funds of the City of Winston-Salem. The holding of said elections and the canvassing of the returns and all other matters pertaining to said elections, shall be as provided by law for the election of members of the Board of Aldermen of the City of Winston-Salem. The area within the corporate limits of the City of Winston-Salem, including the territory annexed from time to time, shall constitute the Winston Township of Forsyth County. Provision for expense of elections. Election procedure. Winston Township.

Before the board of aldermen shall give notice of its intention to consider a resolution describing any territory to be annexed to the city, said board must find affirmatively and include as a part of its notice such finding, that the city will be able to and will furnish on and after the 31st day of December in the year in which the election is held, to the territory so voted on, and its citizens and property, the same municipal privileges, benefits, services and facilities without discrimina- Prerequisites for request by Board of Aldermen for election on annexation of adjacent area.

tion as are afforded other comparable parts of the City of Winston-Salem at the time said territory is annexed; *provided, however,* that where new construction is to be necessary to furnish any of such privileges, benefits, services and facilities, it shall be sufficient to include as a part of its notice a showing that construction will have begun by said 31st day of December, that materials, labor and funds are available to complete said construction, and that work on the project will continue until same is completed.

Effect of Act upon remainder Sec. 2, Art. I, Ch. 232, Private Laws, 1927.

SEC. 2. All of the remaining portions of said Sec. 2 of Article I of Chapter 232 of the Private Laws of North Carolina for the year 1927 shall remain in full force and effect.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 341 CHAPTER 711

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE GENERAL FUND OF THE STATE FOR THE FISCAL YEAR 1946-47.

Preamble:

Maintenance appropriations, certain State institutions, exceeded, 1946-47.

WHEREAS, the high cost of food and supplies at certain State institutions has made it necessary to exceed the maintenance appropriations for the fiscal year 1946-47; and

1945 Contingency and Emergency Appropriation.

WHEREAS, the Contingency and Emergency Appropriation was largely committed for fixed purposes when the General Assembly of 1945 adjourned; and

Supplemental appropriations necessary.

WHEREAS, it is absolutely necessary to supplement the appropriations at certain institutions in order to properly care for patients in these institutions; *Now, therefore,*

The General Assembly of North Carolina do enact:

Addition to Contingency and Emergency Appropriation, fiscal year, 1946-47.

SECTION 1. That there is appropriated out of the general fund of the State the sum of two hundred and fifty thousand dollars ($250,000.00) to be added to the Contingency and Emergency Appropriation for the fiscal year 1946-47.

SEC. 2. That this Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 354 **CHAPTER 712**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ROCKINGHAM TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Provision for traffic bureau, Town of Rockingham.

SECTION 1. That the Commissioners of the Town of Rockingham may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

Traffic violations under jurisdiction of bureau.

Parking over the allowed time.
Parking between six A. M. and six P. M.
Parking more than twelve inches from the curb.
Parking within twenty-five feet of a street corner.
Parking within fifteen feet of a fire hydrant.
Parking in a non-parking space.
Illegal use of loading zones, bus stops and taxi stands.
Parking at entrance of alley or driveway.
Parking left side of curb.
Double parking.
Not displaying proper lights.
Making U turns in streets where prohibited.
Illegal left turn or right turn.
Disregarding of stop signs.
Not displaying town license.
Obstructing traffic.

Payments to traffic bureau by offenders cited.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses pay through the traffic bureau the following amounts as partial payment of the court costs for such violations:

Amounts.

All offenses listed above one dollar ($1.00) first offense; two dollars ($2.00) second offense. For the third offense in any twelve-month period, warrant shall be issued.

Submission of plea of guilty to traffic violation.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Rockingham to appear before such traffic bureau may submit thereto a plea of guilty to such traffic

violation or violations and tender the sum or sums provided for in Section 2 of this Act as a partial payment of court cost for such violation or violations: *Provided,* that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations, shown in the citation, thereupon a warrant shall be sworn out by a member of the police department of the Town of Rockingham and issued by the Mayor of the Town of Rockingham or a Justice of the Peace of Rockingham Township and the person so charged with such violation shall be tried upon such warrant in the Mayor's Court of the Town of Rockingham or by said justice of the peace issuing such warrant.

Issuance of warrant against persons cited, unwilling to plead guilty before traffic bureau.

Trial.

No payment of State tax, except where warrant issued.

SEC. 4. That no State tax shall be paid to the State of North Carolina in such cases, except where a warrant is issued and the case is tried in the mayor's court or the court of the justice of the peace.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 362 CHAPTER 713

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Proposed extension of corporate limits, Town of Shallotte.

SECTION 1. The corporate limits of the Town of Shallotte in Brunswick County are hereby extended so that such corporate limits shall be as follows:

Boundaries.

Beginning at a stone located 3100 feet northeastwardly from the present northeast corporate limits as measured along United States Highway No. 17, said stone being on the north side of said highway; running thence South 60° 00′ West 2800 feet to the old New Brittain Road near R. D. Woodard's place; thence northwestwardly with the said road to the present corporate limits; thence continuing with said corporate limits to Mulberry Branch; thence down Mulberry Branch to Shal-

lotte River; thence up Shallotte River to Bobby's Pike; thence up the run of Bobby's Pike to United States Highway No. 17; thence East 2,000 feet to a stake; thence North 30° East 6,000 feet to a point on Shallotte River opposite the mouth of Charles' Branch; thence down Shallotte River 1,000 feet; thence North 5,000 feet to the point of beginning.

Proposed extension subject to election.

SEC. 2. The Brunswick County Board of Elections shall call a special election to be held within ninety days following the ratification of this Act, such election to determine the question of the proposed extension of the corporate limits of the Town of Shallotte. The Brunswick County Board of Elections, in its call for said election shall:

Duties of Brunswick County Election Board in call of election.

(a) Describe the territory proposed to be annexed to the town;

(b) Provide that the question of annexation of such territory shall be submitted to the vote of the qualified voters of Shallotte and of the territory to be proposed to be annexed, voting together;

(c) Provide for a new special registration of voters in the territory proposed to be annexed;

(d) Designate the precincts and voting places for such election;

(e) Name the registrars and the judges for such election;

(f) Make all other necessary provisions for the holding and conducting of said election and the canvassing of the returns, and the declaration of the result, as provided by the statutes governing such elections.

Publication of call of election.

Such call shall be published in one or more newspapers of general circulation in Brunswick County once a week for four weeks prior to said election.

Ballots.

SEC. 3. At such election there shall be made available to the qualified voters at each polling place a ballot in the following form:

FOR ☐ Proposed Extension of the
AGAINST ☐ Corporate Limits of Shallotte.

Those voters who favor such extension shall vote ballots with a cross (X) marked in the space following the word "For" on such ballots.

Those voters who oppose such extension shall vote ballots with a cross (X) marked in the space following the word "Against" on such ballot.

Effect of majority vote for extension.

If at such election a majority of the votes cast shall be for extension, then from and after the first day of September, 1947, the proposed territory and its residents and property shall be subject to all the laws, ordinances and regulations in force in said town, and shall be liable for all taxes imposed therein.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 370 CHAPTER 714

AN ACT RELATING TO VOCATIONAL EDUCATION AND SCHOOL LUNCHROOMS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Advisory Council on Vocational Education, Johnston County.

SECTION 1. There is hereby created for Johnston County an Advisory Council on Vocational Education to be composed of eleven members as follows:

Composition of Council.

One member from the Board of Commissioners for the County of Johnston to be named by said board;

One member from the Board of Education of Johnston County to be selected by said board;

The County Farm Agent of Johnston County;

The County Home Agent of Johnston County;

One member to be selected by the Council of the County Federation of Home Demonstration Clubs of Johnston County;

One member to be selected by the directors of the Farm Bureau of Johnston County;

John Nathan Johnston of Meadow Township, Johnston County;

L. J. Worthington of Micro Township, Johnston County;

Oscar L. Boyette of Boon Hill Township, Johnston County;

James W. Earp of Oneals Township, Johnston County;

G. Willie Lee of Pleasant Grove Township, Johnston County.

In the event any one or more persons herein named or designated fails or refuses to qualify as a member of said Advisory Council, then the chairman of the board of county commissioners and the chairman of the board of education shall appoint some person to take his or her place. Vacancies filled.

SEC. 2. Said Advisory Council shall meet in the courthouse at Smithfield, North Carolina, on Monday, April 14th, 1947, and organize and immediately thereafter make a thorough survey and investigation of the needs for vocational training, including especially vocational agriculture, in the public schools of Johnston County. Said Advisory Council shall make in writing a preliminary report to the Board of Commissioners for the County of Johnston and to the Board of Education of Johnston County on or before May 15th, 1947, for consideration by said boards in the preparation of the school budget for the school year of 1947-48; and shall make its final report and recommendation in writing to said boards on or before April 1st, 1948. The said Board of Commissioners for the County of Johnston and the Board of Education of Johnston County are hereby authorized and directed to cooperate with said Advisory Council in making said survey and to provide necessary clerical and stenographic help for said Advisory Council. Organization of Advisory Council. Survey of needs for vocational training. Preliminary report. Final report and recommendation. Cooperation by County Commissioners and Education Board.

SEC. 3. The Board of Commissioners for the County of Johnston is hereby authorized and directed to levy a tax of not less than five cents (5c) or more than twenty-five (25c) on each one hundred dollars ($100.00) valuation of property in the county and such levy is hereby declared necessary and essential for the operation of the public schools of Johnston County. The moneys raised by such levy shall be turned over to the county board of education for expenditure in providing vocational education; and the funds shall be apportioned to the several schools of the county on a per capita basis determined by the average daily attendance in each school for the preceding school year, and said funds shall be disbursed on behalf of the several schools by the county board of education only upon a written order of the local school committee. Tax levy directed, for vocational education. Apportionment of funds among schools of County. Disbursements.

SEC. 4. It is the intention and purpose of this Act that said Advisory Council shall, after investigation and study formulate a program of vocational educational, including especially vocational agriculture, suitable to the needs of the children of Johnston County and in keeping with the financial ability of said county to support the same. Formulation of program of vocational education.

SEC. 5. Notwithstanding any other provisions of this Act, the money raised by the tax levy herein provided for and made available to the several schools of Johnston County for expenditure for vocational education, may in lieu thereof, in whole or Use of tax funds for school lunchrooms.

in part, be expended upon the written order of any local school committee in Johnston County in its discretion, to the extent of the funds made available to such local school, for the establishment and operation of school lunchrooms in accordance with General Statutes 115-381 as amended.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 375 CHAPTER 715

AN ACT TO AUTHORIZE DUPLIN COUNTY TO ESTABLISH A WAR MEMORIAL FUND AND A WAR MEMORIAL FUND COMMISSION; TO ACQUIRE AND HOLD PROPERTY INCIDENTAL TO THE CONSTRUCTION OF A WAR MEMORIAL.

The General Assembly of North Carolina do enact:

Duplin County Veterans Memorial Commission.

SECTION 1. Creation of Commission. There is hereby created a commission to be known as Duplin County Veterans Memorial Commission.

Appointment of members; terms.

Vacancies filled.

SEC. 2. Members, vacancies. That said commission shall consist of twenty members, to be appointed by the Board of Commissioners of Duplin County, for a term of five years each. In the event of vacancy in the membership of the commission, the board of commissioners shall make an appointment for the unexpired term.

Expenses incurred only with approval of County Commissioners.

SEC. 3. The said commission shall not be authorized to incur on behalf of Duplin County, any expense without specific approval of said board of commissioners, and the members of the commission shall serve without compensation.

Officers.

SEC. 4. Officers. The commission shall appoint from its members a chairman, secretary, and treasurer of the commission.

Quorum.

SEC. 5. Eleven members of said commission shall constitute a quorum in the transaction of business. And no motion shall be carried, except by vote of at least eleven members.

Erection of memorial to Duplin County Veterans.

SEC. 6. It is hereby determined that a suitable memorial monument, or monuments, be erected and established in Duplin County, as a Memorial to Duplin County Veterans of all wars, to perpetuate the memory of the men and women of Duplin County, who participated in said wars.

Powers and duties of Commission.

SEC. 7. Powers and duties of said commission shall be as follows:

(a) The commission shall study the requirements of Duplin County with respect to the type and kind of memorial or memorials, to be established.

(b) The commission shall advise with and encourage the people of Duplin County, who are interested in its welfare and the establishment of such memorials, to the men and women of Duplin County, who have served in said wars, and the commission may in its discretion accept special gifts, to be used for a specific designated purpose, in connection with said memorials.

(c) The commission shall have full power and authority to determine and designate the location of such memorials, the plans for construction thereof, all within the limit of the funds which they may acquire for such purpose, and their duties as said commission shall terminate within ninety days after the completion and dedication of the memorials herein mentioned.

Appropriation of funds for memorial, by Duplin County and municipalities therein, authorized.

SEC. 8. The Board of Commissioners of Duplin County, and the boards of commissioners of any municipality in Duplin County are hereby authorized and empowered, in their discretion, to appropriate and pay from the general funds of Duplin County, and/or any municipality in Duplin County, such sums as they desire to appropriate, to be used in the purchase and erection, as a Memorial to Duplin County Veterans, or to be used in the improvement and the erection of a suitable memorial, or memorials, upon property already owned by Duplin County, or owned by some person, firm or corporation, or memorial association, as a memorial to Duplin County Veterans.

Expenditures deemed necessary expense.

SEC. 9. That Duplin County and/or the municipalities of Duplin County, are specifically authorized to expend funds for said memorial, by donation or otherwise, and such funds so appropriated, shall be deemed a necessary expense.

Time of appointment of commission members.

SEC. 10. That said commission shall be appointed by the Board of Commissioners of Duplin County on the first Monday in May, 1947, and it shall be the duty of the said commission to meet at the court house in Kenansville on some date to be fixed by the Chairman of the Board of Commissioners of Duplin County, within forty days thereafter, and perfect their organization and assume their duties as such commission.

Organization.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 379 **CHAPTER 716**

AN ACT RELATING TO CHAPTER 344 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1907, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Division of City of Concord into voting wards.

SECTION 1. The City of Concord shall be divided into five wards or voting precincts, to be known respectively as wards one, two, three, four and five.

Boundaries of Ward One.

Ward one shall be bounded as follows: Beginning at the center of Depot and Union Streets, thence in a westerly direction down the center of West Depot Street across the overhead bridge to a point in the center of the channel of Irish Buffalo Creek, the westerly boundary line of the city limits; thence in a northerly direction with the city limits to a point where a straight line running from the center of Buffalo Street and Notty Street extension intersects the center of the creek; thence with the center of Notty Street and also the center of Buffalo Street after leaving Notty Street, in an easterly direction to the intersection of North Union and Buffalo Streets; thence with the center of North Union Street in a southerly direction to the point of beginning.

Boundaries of Ward Two.

Ward two shall be bounded as follows: Beginning at the intersection of Depot and Union Streets and running thence with the center of North Union Street in a northerly direction to a point where Union Street intersects with Buffalo Street; thence with the center of Buffalo Street in an easterly direction to a point where Buffalo Street intersects North Church Street; thence with the center of North Church Street in a northerly direction to the city limit line; thence easterly and southerly with the city limit line to a point in the city limit line in the center of East Depot Street; thence with the center of East Depot Street in a westerly direction to the point of beginning.

Boundaries of Ward Three.

Ward three shall be bounded as follows: Beginning at the intersection of Depot and Union Streets; thence with the center of East Depot Street in an easterly direction to the city limit line; thence southerly and westerly with the city limit line to a point in the city limit line in the center of South Union Street extension; thence with the center of South Union Street in a northerly direction to the point of beginning.

Boundaries of Ward Four.

Ward four shall be bounded as follows: Beginning at the intersection of Depot and Union Streets; thence with the center of West Depot Street in a westerly direction to the city limit line in Irish Buffalo Creek; thence southerly and easterly with the city limit line to a point in the center of South Union Street extension; thence with the center of South Union Street extension in a northerly direction to the point of beginning.

Boundaries of Ward Five.

Ward five shall be bounded as follows: Beginning at a point where Buffalo Street intersects with North Church Street; thence with the center of Buffalo in a westerly direction following Buffalo Street and Notty Street, prolonging said line to a point in the western city limit line; thence with the city limit line northerly and easterly to a point in the center of North Church Street; thence with the center of North Church Street in a southerly direction to the point of beginning.

Appointment of certain city officers.

SEC. 2. The board of aldermen at the regular meeting in June following its election shall appoint a civil engineer, a clerk-treasurer, an attorney, a tax collector, three members of the board of light and water commissioners, and such other officers as it may deem necessary for the proper government of the city, who shall hold office during the term of the board, or until their successors are appointed and qualified, unless removed as provided by law.

Terms.

Election of School Commissioners.

SEC. 3. At the election next ensuing for graded school commissioners at the same time the Aldermen and Mayor for the City of Concord are elected, there shall be elected by the qualified voters of said town six school commissioners, residents of said town, one from each ward and one at large, to serve for terms of four years.

Employment of school superintendent and teachers.

SEC. 4. The said board of school commissioners shall have the right to employ a superintendent and all the teachers of the public schools of said city, fix their salaries, and do any and all things pertaining to the welfare and operation of the public schools of said city.

Adoption of Cabarrus County tax lists for use by City of Concord, as applicable therein.

SEC. 5. The said governing body of the City of Concord may, by a majority vote, adopt the list of property of every description and all polls as adopted by the County Commissioners of Cabarrus County within the corporate limits of the City of Concord for county taxes as the list of property and polls to be taxed in the City of Concord, instead of taking an independent list of property and polls. The clerk to the said board of county commissioners shall furnish the governing body of the City of Concord a list of all property of every kind subject to county taxes and all taxable polls in the corporate limits of the City of Concord subject to taxation, if demand be made by said governing body.

Powers and duties of Committee on Streets and Public Grounds.

SEC. 6. The committee on streets and public grounds shall have charge of all streets and sidewalks, public grounds, and public buildings, and sewers. It shall be its duty to employ an overseer of work, employ all laborers and fix the wages or salaries to be paid, all to be approved by the board of aldermen. The said committee shall have charge of the fund set aside for street improvement and shall make all orders thereon, which orders shall be paid by the treasurer of said city, after the same have been ordered by the committee on finance, to be aftrwards approved by the board of aldermen. The said committee shall see that all ordinances pertaining to the maintenance of the streets and sewers, and other orders made by the board of aldermen be carried out with reference to public works. The city engineer shall, ex officio, be the clerk of said committee and shall serve as such on all work thereof as a part of his official duties, and shall make all reports covering the same to the said committee and the board of aldermen at its regular monthly meeting.

Powers and duties of Committee on Finance.

SEC. 7. It shall be the duty of the committee on finance to audit and pass upon the validity of all claims and demands against the City of Concord, and no claim or demand against the city shall be paid by the treasurer of the city or by any other person out of funds belonging to the city until the same has been duly audited by the committee on finance, and approved by the board of aldermen; and no claim shall be ordered paid by the said board unless the same shall have been adjudged correct prior to the regular meeting of the board, which claims shall be itemized by the person to whom the same is due, and be signed by at least two members of the said committee on finance.

Appointment of Committee on Finance.

SEC. 8. At the regular meeting of the governing body of the City of Concord in June, 1949, and every four years thereafter, the mayor shall appoint a committee on finance composed of three members of the governing body. The clerk and treasurer elected by the governing body shall serve as clerk to said committe as a part of the duties of his office.

Duties of City Clerk, as treasurer.

SEC. 9. It shall be the duty of the said clerk as treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to receive and safely keep the same for use of the city, and to disburse the funds upon the appropriation of the governing body according to such orders as may be duly drawn on him; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from which they came and the purposes for which they were appropriated. During his term of office, he shall faithfully perform all duties lawfully imposed upon him as treasurer, and at the expiration of his term he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safekeeping, disbursement or otherwise.

Term of Mayor.

SEC. 10. The mayor shall hold his office for four years, and shall have his office in the city hall, or in some other convenient building provided by the governing body of the city. He shall have custody of the corporate seal; preside when present over all meetings of the governing body; have a casting vote only in cases of equal division therein; shall exercise general custody, direction, and supervision of all the public employees, work and works, improvements, grounds, buildings and property of the city; he shall have full power and authority to summarily remove from office any officer or employee of the City of Concord, except aldermen, when any such officer or employee shall be guilty of any malfeasance, misfeasance or nonfeasance, or whenever such officer or employee shall be guilty of any act or neglect which shall render him disqualified and unfit in the opinion of the mayor for rendering proper service to the City of Concord, or to be an officer or employee thereof: *Provided, however*, that any officer or employee suspended by the mayor as aforesaid shall have the right to appeal to the governing body, and he may be reinstated or restored to office or employment after a full and fair trial, upon a majority of the members of the governing body voting to restore him to office.

Functions, powers, and duties of Mayor.

Right of appeal granted officers, employees, suspended by Mayor; reinstatement.

Elections.

SEC. 11. The elections herein provided for officers of said city, and any other election authorized for city purposes, shall be called, held, conducted and concluded under the direction of the mayor and governing body by election officials designated

and appointed by them for that purpose, in manner and form in every respect and detail as nearly as may be and under the same provisions of law and practice as nearly as may be as elections for county officers are held and conducted, and under the general laws relating to such elections in North Carolina in force at the time of such city election, including all the penalties prescribed for the violation of such law: *Provided,* that when any certain duties are prescribed under the general election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such city election, then and in that case such duties shall be done and performed by the city officer or officers whose office and duties bear the greatest analogy to those of the officer named in the general election law for whom such duty is prescribed; for example, chief of police to sheriff, city clerk to Clerk of the Superior Court.

Office space for Board of Light and Water Commissioners.

SEC. 12. The board of aldermen shall provide in the city hall an office and other necessary space for the board of light and water commissioners, and shall require the board of light and water commissioners to move its offices and other appliances thereto.

Right of Board of Aldermen to pass upon qualification of own members.

Impeachment.

SEC. 13. The board of aldermen may pass upon the qualifications and rights of aldermen to be members of the board of aldermen; it may try and impeach any alderman for malfeasance, misfeasance, or nonfeasance of office or for any act or neglect that would disqualify an alderman in the opinion of the board from being a member of said board, and after trial, may by a two-thirds vote declare the office of such alderman forfeited and may elect his successor. It may prefer charges against the Mayor of the City of Concord, or any other officer or employee of the City of Concord for the violation of the duties of his office, and upon a two-thirds vote of the said board declare his office or position vacant, and thereupon proceed to elect his successor: *Provided,* that no member against whom charges are pending shall vote on any question relating to such charges.

Charges against Mayor or other officers or employees.

Majority of Board of Aldermen authorized to perform duties.

Meetings.

SEC. 14. A majority of the board of aldermen shall be authorized to perform all the duties herein provided for it for the proper government of the city. The board shall convene within four days next following its election for the transaction of business and fix regular stated times of meeting, not less than once a month, during the term of office. Special meetings may also be held on call of the mayor, with forty-eight hours' written notice to all of the eldermen, and on a call of the majority of the board with forty-eight hours' written notice to the mayor and to such aldermen as shall not have joined in the call.

Receipt of City prisoners into Cabarrus County jail.

SEC. 15. Upon demand by a city policeman the Sheriff or Jailer of the County of Cabarrus is hereby required, without a mittimus, to receive into the jail of the county as prisoner any person arrested in the night or the day, and keep such person until trial, or until released as provided by law.

Election of Mayor and Aldermen.

SEC. 16. On Tuesday after the first Monday in May, 1949, and on the corresponding Tuesday every four years thereafter, there shall be elected at large of and by the qualified voters of said city a mayor and one member of the board of aldermen, and in each of said wards there shall be elected separately of and by the qualified voters therein one alderman for each ward; and the aldermen so elected shall constitute the board of aldermen of said city, and each of said officers so elected shall hold office for four years, or until his successor is duly elected and qualified: *Provided*, that no person shall have the right to vote at any election held in said city unless he shall have been a bona fide resident of the ward in which he proposes to register and vote, according to the requirements and provisions of the General Election Law of the State of North Carolina.

Terms.

Residence qualifications of voters.

Conflicting laws repealed.

SEC. 17. All laws and clauses of laws in conflict with this Act are hereby repealed; all provisions of Chapter 344 of the Private Laws of 1907, as amended, insofar as such provisions are in conflict with the provisions of this Act, are hereby specifically repealed, but only to the extent of such conflict. The following Sections of Chapter 344 of the Private Laws of North Carolina of the Session of 1907 are hereby specifically repealed; namely, Sections 3, 4, 5, 9, 10, 12, 17, 18, 19, 20, 22, 23, 24, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 111.

Specific sections of Ch. 344, Private Laws, 1907, repealed.

SEC. 18. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 180 **CHAPTER 717**

AN ACT AUTHORIZING THE ESTABLISHING OF A CITY LIQUOR CONTROL STORE IN THE CITY OF HICKORY UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Provision for election on question of liquor control stores, City of Hickory.

SECTION 1. The Board of Aldermen of the City of Hickory may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not city liquor control stores may be operated in the City of Hickory and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of city liquor control stores, no such stores shall be set up or operated in said city under provision of this Act.

Operation of stores authorized upon favorable vote.

Notice of election.

Registration of voters.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Stores," "Against City Liquor Control Stores." Those favoring setting up and operating liquor stores in the City of Hickory shall mark in the voting square to the left of the words "For City Liquor Control Stores" printed on the ballot, and those opposed to city liquor control stores shall mark in the voting square to the left of the words "Against City Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for the Mayor of the City of Hickory. The cost of said election shall be paid from the general fund of the City of Hickory.

Ballots.

Conduct of election.

Cost paid from general fund.

Provision for subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores," the city liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said City of Hickory in force and effect prior to the authorization to operate city liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Stores." No election shall be called and held in the City of Hickory under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the City of Hickory to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Hickory general election or primary election, or within thirty (30) days of any such election.

Closing of liquor store, upon majority vote against same.

Application of liquor laws in event of vote against liquor store.

Limitation of time as to holding second election.

Duties of Board of Aldermen as to ordering election, upon petition.

Provision for creation of City Board of Alcoholic Control.

SEC. 4. If the operation of city liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the City of Hickory shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Hickory Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city.

Chairman.

Term.

Terms of board members.

Vacancies filled.

Powers and duties of Board of Alcoholic Control.

SEC. 5. The said City of Hickory Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said City of Hickory Board of Alcoholic Control and the operation of any city liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said article, it shall include City of Hickory Board of Alcoholic Control.

Use of net profits from operation of liquor control stores.

SEC. 6. The net profits derived from the operation of liquor control stores in the City of Hickory shall be turned over to the city general fund and subject to appropriation by the governing body of the city, which may appropriate any or all of said funds for any city governmental purpose and/or for any one or more of the following purposes:

A. Acquisition and improvement of lands for public parks and playgrounds.

B. To supplement the salaries of public school teachers teaching in the Hickory City Administrative Unit.

C. To operate the City Administrative Unit Schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

D. Acquiring, constructing, and improving airports or landing fields for the use of airplanes or aircraft.

E. Acquisition of sites and construction, maintenance, and operation of public hospitals.

F. For the acquisition, maintenance, enlargement and improvement of public libraries, public art museums, and armories.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Asseembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 200 **CHAPTER 718**

AN ACT TO PROVIDE FOR MEMBERSHIP OF JOINT SHAREHOLDERS IN SAVINGS, BUILDING AND LOAN ASSOCIATION AND TO PROVIDE THAT PAYMENT TO ONE OF SUCH OWNERS SHALL RELEASE THE ASSOCIATION.

The General Assembly of North Carolina do enact:

G. S., Ch. 54, amended, as to membership in B. and L. Associations.

SECTION 1. That Chapter (54) of the General Statutes of North Carolina be, and the same hereby is, amended by adding to said Chapter, the following Section:

ARTICLE 2. SECTION 54-18a. Shares issued in two or more names:

Single membership held by two or more persons.

(1). A single membership in an association may be held by two or more persons and the share or share account certificates may be issued in their names, and in the absence of written instructions to the contrary, consented to by the association, the value of such share or share account certificates and any dividends thereon may be paid by such association to any one or more of such persons whether the others be living or not, and the receipt or acquittance of the person so paid shall fully exonerate and discharge the association from all liability to any person having any interest in such account, and the last survivor of such persons may transfer such membership and the share or share account certificates to himself or any other person. Nothing herein contained shall be construed to repeal or modify any of the provisions of Section 105-24 relating to the administration of the inheritance tax laws, or provisions of laws relating to inheritance tax, nor shall the provisions herein contained regulate the rights and liabilities of the parties having interest in such share or share account certificates as among themselves but shall regulate, govern and protect the associations in their dealings with members holding share or share account certificates as herein provided, and further provided that the provisions herein shall also apply to members of federal savings and loan associations having their principal offices in this State.

Exoneration of association upon payments to any one or more persons holding single membership.

Transfer of membership by survivor.

Effect of Act on G. S. § 105-24.

Clarification of intent of Act.

Application of Act to Federal Savings and Loan Associations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 320 CHAPTER 719

AN ACT TO PROVIDE FOR COUNTY ELECTRICAL INSPECTORS.

The General Assembly of North Carolina do enact:

G. S. § 160-122, amended.

SECTION 1. That Section 160-122 of the General Statutes of North Carolina, 1943, be and the same is hereby amended so as to read as follows:

Appointment of County electrical inspectors.

Duties.

160-122. County electrical inspectors. The county commissioners of each county may, in their discretion, designate and appoint one or more electrical inspectors, who shall qualify as hereinafter prescribed, whose duty shall be to enforce all State and local laws governing electrical installations and materials, to issue permits for and to make inspections of all new electrical installations and such re-inspections as may be prescribed by the county commissioners in buildings located in any town of one thousand population or less and/or those buildings located outside the corporate limits of all cities and towns, and not otherwise included in this Article, and to issue a certificate of inspection where such installations fully meet the requirements for such installations as set forth in this Article, or such additional requirements as the board of county commissioners may prescribe. Nothing contained in this Article shall be construed as prohibiting said board of county commissioners designating as county inspector any person who also has or may be designated as electrical inspector in any city or town located within said county, or from prohibiting two or more counties from designating the same inspector to perform the duties herein mentioned for such two or more counties. The county commissioners shall also fix the fees to be charged by such county inspector, which fees shall be paid by the owner of the properties so inspected.

Authority to designate city inspectors as county electrical inspectors.

Fees chargeable by inspectors.

Disposition of fees.

The fees collected by the inspector may be retained by him in payment for his services, or the county commissioners, in their discretion, may pay the inspector a fixed salary, in which case the fees collected for permits and inspections shall be paid to the county treasury.

Restrictions upon persons serving as county electrical inspector.

It shall be unlawful for the county electrical inspector or any of his authorized agents to engage in the business of installing electrical wiring, devices, appliances or equipment, and he shall have no financial interest in any concern engaged in such business in the county at any time while holding such office as herein provided for.

Qualifying examination of electrical inspectors.

Before confirmation of his appointment, the electoral inspector shall take and pass a qualifying examination to be based on the last edition of the National Electrical Code, as filed with the Secretary of State. This examination shall be in writing and shall be conducted according to the rules and regulations prescribed by and under the supervision of the State Electrical Engineer and Inspector and the Board of Examiners of Electrical Contractors. The prescribed rules and regulations may provide for the appointment of Class I, Class II and Class III inspectors in accordance with the qualifications revealed by the examination with respect to the installation of various types and character of equipment and facilities. Examinations shall be given quarterly in Raleigh, or in such other places as may be designated by the State Electrical Engineer and Inspector, at his discretion. Examinations shall be based on the type and character of electrical installations being made in the territory in which the applicant wishes to serve as electrical inspector. An electrical inspector having qualified for a Class I appointment shall be eligible without further examination to serve as electrical inspector anywhere in the State, but an inspector having qualified for a Class II or Class III appointment shall be limited to the territory for which he may qualify.

Nature of examinations.

Eligibility of certain persons without further examination.

Certificates of approval of inspectors.

Annual renewal.

Examination fee.

Renewal fees.

Temporary inspectors pending qualification of permanent inspector.

Upon passing the required examination by any person, a certificate approving him as inspector for a designated territory shall be issued by the Commissioner of Insurance. Such certificate must be renewed annually between January 1st and January 31st and shall be subject to cancellation at any time if the inspector is removed from office for cause by the board of county commissioners, which removal is hereby authorized. The fee for examination shall be five dollars ($5.00), to be returned if the applicant fails to pass. The annual renewal fees for a certificate of appointment shall be one dollar ($1.00). If the person appointed as electrical inspector by the county commissioners fails to take the examination or to make the necessary passing grade, the county commissioners shall continue to make such appointments until one or more applicants has passed the examination. In the interim, a temporary inspector may act with the approval of the Commissioner of Insurance.

Bond required of inspector.

The inspector appointed shall give a bond approved by the county commissioners for the faithful performance of his duties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 424 CHAPTER 720

AN ACT TO AMEND CHAPTER 118 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

G. S. § 118-6, amended, as to bond of treasurer, Firemen's Relief Fund.

SECTION 1. Amend Section 118-6 of the General Statutes of North Carolina by inserting in line 21 between the word "by" and the word "the" the words "and filed with."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Partial invalidity provision.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 425 CHAPTER 721

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE ORGANIZATION AND REGULATION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

G. S. § 58-9, relating to powers, duties of Insurance Commissioner, amended.

SECTION 1. Chapter 58 of the General Statutes of North Carolina be amended as follows:

(1) Amend Section 58-9 as follows:

(a) Change the period to a comma in line 7 of paragraph (1) and insert thereafter the following language:

"and to make such further rules and regulations not contrary to any provision of this Chapter which will prevent practices injurious to the public by insurance companies, fraternal orders and societies, agents and adjusters."

Prevention of practices injurious to public.

(b) Strike out paragraph (4) and re-number paragraphs (5), (6) and (7) as (4), (5) and (6) respectively.

Filing certain lists and reports with C.S.C., discontinued.

(2) Amend Section 58-9.3 as follows:

G. S. § 58-93, as to Court review of orders and decisions, Insurance Commissioner, amended.

(a) Strike out paragraph (2) and insert in lieu thereof the following:

"(2) The Commissioner shall within thirty days, unless the time be extended by order of court, after the service of the copy of the petition for review as provided in paragraph (1) of this Section, prepare and file with the Clerk of the Superior Court of Wake County a complete transcript of the record of the hearing, if any, had before him, and a true copy of the order or decision duly certified. The order or decision of the Commissioner if supported by substantial evidence shall be presumed to be correct and proper. The court may change the place of hearing (a) upon consent of the parties; or (b) when the convenience of witnesses and the ends of justice would be promoted by the change; or (c) when the judge has at any time been interested as a party or counsel. The cause shall be heard by the trial judge as a civil case upon transcript of the record for review of findings of fact and errors of law only. It shall be the duty of the trial judge to hear and determine such petition with all convenient speed and to this end the cause shall be placed on the calendar for the next succeeding term for hearing ahead of all other cases except those already given priority by law. If on the hearing before the trial judge it shall appear that the record filed by the Commissioner is incomplete, he may by appropriate order direct the Commissioner to certify any or all parts of the record so omitted."

Filing of transcript of record with Clerk of Superior Court, Wake County.

Presumption of correctness, order of Commissioner.

Power of Court to change place of hearing.

Scope of Court review.

Priority as to hearing.

Certification of omitted parts of record.

(b) Strike out in line 1 of paragraph (3), the word "court" and insert in lieu thereof the words "trial judge."

(3) Amend Section 58-30.1 as follows:

G. S. § 58-30.1, as to designation of coinsurance clause in insurance policy, amended.

(a) In line 14 after the word "is" insert the words "printed or."

(b) In line 15 strike out the words "over printed upon" and insert in lieu thereof the word "on."

(c) In line 17 change the period to a comma and add the following language:

"and the Commissioner may, in his discretion, determine the location of the words 'co-insurance contract' and the size of the type to be used."

G. S. § 58-35, as to unearned premium reserves, amended as to terminology.

(4) Amend Section 58-35 by striking out the word "undetermined" in lines 5 and 6 and inserting in lieu thereof the word "unterminated."

G. S. § 58-39, amended.

(5) Strike out Section 58-39 and insert in lieu thereof the following:

Powers of Insurance Commissioner as to revocation, suspension, refusal to renew licenses of insurers.

SEC. 58-39. Revocation, suspension and refusal to renew license. The license of any insurer, including fraternal orders and societies, may in the discretion of the Commissioner be suspended or revoked or its renewal refused, (1) whenever it fails or refuses to comply with any law, order or regulation applicable to it; (2) whenever its condition is unsound, or its assets above its liabilities, exclusive of capital, are less than the amount of its capital or required minimum surplus; (3) whenever it has published or made to the department or to the public any false statement or report; (4) whenever it refuses to submit to any examination authorized by law; (5) whenever it is found to make a practice of unduly engaging in litigation, or delaying the investigation of claims or the adjustment or payment of valid claims.

Any such suspension, revocation or refusal to renew a license may also be made applicable to the license of an agent who is a party to such default or improper practice.

G. S. § 58-63, schedule of fees, Insurance Commissioner, amended.

(6) Amend Section 58-63 by striking out beginning in line 4 of paragraph 3 the following language:

"for making and mailing abstracts to the Clerks of the Superior Courts in the Counties of the State, four dollars;"

G. S. § 58-72, as to meaning of fidelity and surety insurance, amended.

(7) Amend Section 58-72 as follows:

(a) Strike out in line 5 of paragraph 16, subparagraph (b) the words and figures "(2) a bond or undertaking of the kind specified in paragraph (c)."

(b) In line 6 strike out the figure "(3)" and insert in lieu thereof the figure "(2)."

(8) Amend Section 58-77 as follows:

(a) In paragraph 3, line 5, between the figures and word "20" and "and" insert a comma and the figures "21."

G. S. § 58-77, as to capital and surplus requirements, certain types of insurance companies, amended as to kinds of insurance authorized.

(b) In paragraph 5(a), line 5, between the figures and word "20" and "and" insert a comma and the figures "21."

(c) In paragraph 5(b), line 18, between the figures and word "20" and "and" insert a comma and the figure "21."

(d) In paragraph 5(c), line 5 between the figures and word "20" and "and" insert a comma and the figures "21."

(9) Amend Section 58-79 as follows:

G. S. § 58-79, as to investments, life insurance companies, amended.

(a) In Subsection 1, paragraph (m), lines 2 and 3, strike out the words "minimum required" and insert in lieu thereof the word "entire."

(b) In Subsection III, lines 3 and 4, strike out the words "the amount of such necessary minimum" and insert in lieu thereof the words "its entire."

(10) Insert a new Section as follows:

G. S., Ch. 58, amended, as to manner of amending Charter, domestic Mutual insurance company.

SEC. 58-92.1. Manner of amending charter. 1. A domestic mutual insurance company may hereafter amend its charter in the following manner only:

Notice of meeting of directors.

(a) A meeting of the board of directors shall be called in accordance with the by-laws, specifying the amendment to be voted upon at such meeting;

Certificate of proposed amendment.

(b) If at such meeting two-thirds of the directors present vote in favor of the proposed amendment, then the president and secretary shall under oath make a certificate to this effect, which certificate shall set forth the call for such meeting, the service of such call upon all directors, and the minutes of the meeting relating to the adoption of the proposed amendment;

Publication of certificate of proposed amendment.

(c) Said officers shall cause said certificate to be published once a week for two consecutive weeks in a newspaper in Raleigh and in the county where the company's principal office is located, or posted at the courthouse door if no newspaper be published within the county. Said printed or posted notices shall be in such form and of such size as the Commissioner may approve, and in addition to setting forth in full the certificate required in paragraph (b) shall state that application for amending the company's charter in the manner specified has been proposed by the board of directors, and shall also state the time set for a meeting of policyholders thereby called to be held at the principal office of the company to take action

Form and contents of notice.

Meeting of policy holders.

Filing copy of notice with Insurance Commissioner.

on the proposed amendment. A true copy of such notice shall be filed with the Commissioner, and also with that official who performs the functions of Insurance Commissioner in each state where the company is licensed to do business. Such publication and filing of notices shall be completed at least thirty days prior to the date set therein for the meeting of policyholders and due proof thereof shall be filed with the Commissioner at least fifteen days prior to the date of such meeting. If the meeting at which the proposed amendment is to be considered is a special meeting, rather than a regular annual meeting of policyholders, such special meeting can be called only after the Commissioner has given his approval in writing, and the published notice shall show the fact of such approval.

Approval by Insurance Commissioner of special meeting.

Action on proposed charter amendment at policyholders' meeting.

(d) If at such policyholders' meeting two-thirds of those voting in person or by proxy shall vote in favor of any proposed amendment, the president and secretary shall make a certificate under oath setting forth such fact together with the full text of the amendment thus approved. Said certificate shall, within thirty days after such meeting, be submitted to the Commissioner for his approval as conforming to the requirements of law, and it shall be the duty of the Commissioner to act upon all proposed amendments within ten days after the filing of such certificate with him.

Submission of certificate of amendment to Insurance Commissioner for approval.

Validation of certain charter amendments.

2. All charter amendments heretofore issued upon application of the board of directors of any domestic mutual insurance company are hereby validated, if otherwise legally adopted.

G. S. § 58-94, as to members, mutual companies, amended.

(11) Amend Section 58-94 by striking out in line 2 the word "fire."

G. S. § 58-131.26, as to filing information with Commissioner, amended.

(12) Amend Section 58-131.26 by striking out in lines 4 and 5 the words "underwriter for insurance on" and inserting in lieu thereof the words "insurer of."

G. S. § 58-195.1, amended.

(13) Strike out Section 58-195.1 and insert in lieu thereof the following:

Industrial life insurance defined.

SEC. 58-195.1. Industrial life insurance defined. Industrial life insurance is hereby declared to be that form of life insurance under which the premiums are payable monthly or oftener, provided the face amount of insurance stated in the policy does not exceed one thousand dollars ($1,000.00) and the words "Industrial Policy" are printed upon the policy as a part of the descriptive matter.

G. S. § 58-199, amended, as to misrepresentations to induce lapse of insuranoe.

(14) Amend Section 58-199 by striking out the word "company" after the word "other" in line 13 and inserting in lieu thereof the words "insurer or governmental agency."

(15) Amend Section 58-205.1 as follows:

G. S. § 58-205.1, as to rights of beneficiaries, amended.

(a) In line 1 strike out the word "that" and capitalize the first letter of the word "all."

(b) In line 10 after the words "for" strike out the word "or" and insert in lieu thereof the words "by and."

(16) Insert a new Section as follows:

Group annuity contracts defined.

SEC. 58-211.1. Group annuity contracts defined. Requirements. Any policy or contract, except a joint, reversionary or survivorship annuity contract, whereby annuities are payable dependent upon the continuation of the lives of more than one person, shall be deemed a group annuity contract. The person, firm or corporation to whom or to which such contract, as herein provided, shall be deemed the holder of such contract. The term "annuitant" as used herein, refers to any person upon whose continued life such annuity is dependent. No authorized insurer shall deliver or issue for delivery in this State any group annuity contract except upon a group of annuitants which conforms to the following: Under a contract issued to an employer, or to the trustee of a fund established by an employer, or two or more employers in the same industry or kind of business, the stipulated payments on which shall be paid by the holder of such contract either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the employees covered by such contract, and providing a plan of retirement annuities under a plan which permits all of the employees of such employer or of any specified class or classes thereof to become annuitants. Any such group of employees may include retired employees, and may include officers and managers as employees, and may include the employees of subsidiary or affiliated corporations of a corporation employer, and may include the individual proprietors, partners and employees of affiliated individuals and firms controlled by the holders through stock ownership, contract or otherwise.

"Annuitant" defined.

Requirements as to group annuity contracts.

(17) Insert a new Section as follows:

Employee life insurance defined.

SEC. 58-211.2. Employee life insurance defined. Employee life insurance is hereby declared to be that plan of life insurance, other than salary savings life insurance, under which individual policies are issued to the employees of any employer where such policies are issued on the lives of not less than ten nor more than 49 employees at date of issue. Premiums for such policies shall be paid by the employer or the trustee

Payment of premiums.

of a fund established by the employer either wholly from the employer's funds, or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees.

(18) Amend Section 58-254.3, paragraph 1, as follows:

G. S. § 58-254.3, as to definition of blanket accident and health insurance, amended.

(a) In subparagraph (b), line 2, following the comma after the word "employer" insert the words "or the trustee of a fund established by the employer."

(b) Strike out in line 5 of subparagraph (e) the word "fifty" and insert in lieu thereof the words "twenty-five."

(c) In lines 3 and 4 of subparagraph (f) strike out the words "be limited to" and insert in lieu thereof the words "provided for," and at the end of said subparagraph change the period to a comma and add the following language: "*provided*, that any disability within the terms of such policy incurred by a child before his 18th birthday and continuing thereafter shall be deemed to be covered by the policy."

G. S. § 58-254.4, as to definition of group accident and health insurance, amended.

(19) Amend Section 58-254.4 by striking out in lines 7, 8 and 9 of paragraph 2 the words "under a policy issued to an employer which employer shall be deemed the policyholder covering not less than 50 employees," and inserting in lieu thereof th words "Under a policy issued to an employer or to the trustee of a fund established by an employer, or two or more employers in the same industry or kind of business, which employer or trustee shall be deemed the policyholder, covering not less than 25 employees."

(20) Insert a new Section as follows:

Definition of franchise accident and health insurance.

SEC. 58-254.6. Definition of franchise accident and health insurance. Accident and health insurance on a franchise plan is hereby declared to be that form of accident and health insurance issued to five or more employees of any corporation, copartnership or individual employer or any governmental corporation, agency or department thereof, or ten or more members of any trade or professional association or of a labor union or of any other association having had an active existence for at least two years where such association or union has a constitution or by-laws and is formed in good faith for purposes other than that of obtaining insurance, where such persons, with or without their dependents, are issued the same form of an individual policy varying only as to amounts and kinds of coverage applied for by such persons, under an arrangement whereby the premiums on such policies may be paid to the

insurer periodically by the employer, with or without pay roll deductions, or by the association for its members, or by some designated person acting on behalf of such employer or association. The provisions of this Section shall not be construed so as to repeal Sections 58-254.3 and 58-254.4 or any part thereof.

Effect of section on G. S. § § 58-254.3 and 58-254.4.

(21) Amend Section 58-261 by inserting a period in paragraph 1, line 3, after the word "insurance" and striking out the remainder of said paragraph.

G. S. § 58-261, as to application of Ch. 58, Subchapter VI, amended.

(22) Amend Section 58-97 by inserting after the word "company" in line 2, the words "stock or mutual."

G. S. § 58-97, as to dividends to policyholders, amended.

(23) Amend Section 58-206 as follows:

G. S. § 58-206, as to rights of creditors to insurance benefits, amended.

(a) Strike out the commas in lines 2 and 3.

(b) Strike out in lines 9 and 10 the words and commas ", or his executors or administrators," and insert in lieu thereof the words "or the executor or administrator of such insured or of the person effecting such insurance."

(24) Amend Section 58-35 by inserting before the period in line 6, a comma and the following words: "*Provided*, that excluding commissions thereon, unmatured installment premiums on such risks and policies may be treated as admitted assets or allowed as deductions from liabilities in computing the necessary reserves therefor, subject to regulations issued by the Commissioner."

G. S. § 58-35, as to unearned premium reserves, amended.

Treatment of unmatured installment premiums in computing reserves.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not effect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

Partial invalidity provision.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 505 CHAPTER 722

AN ACT TO AMEND SECTION 8, CHAPTER 453, OF THE PUBLIC-LOCAL LAWS, 1931, RELATING TO SHERIFF'S FEE FOR ARREST IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 453, Public-Local Laws, 1931, amended, as to Sheriff's fee for arrest, Sampson County.

SECTION 1. That Section 8 of Chapter 453 of the Public-Local Laws of 1931 be amended by striking out the words "one dollar and fifty cents" in lines ten and eleven, and inserting in lieu thereof the words "two dollars."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 507 CHAPTER 723

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Salary of C.S.C., Sampson County.

SECTION 1. The Clerk of the Superior Court of Sampson County shall be paid an annual salary of three thousand and three hundred dollars ($3,300.00) as compensation for duties performed as Clerk of the Superior Court only. The Assistant Clerk of the Superior Court shall be paid an annual salary of one thousand eight hundred and sixty dollars ($1,860.00).

Salary of Assistant C.S.C.

Salary of Register of Deeds.

SEC. 2. The Register of Deeds of Sampson County shall be paid an annual salary of three thousand and three hundred dollars ($3,300.00), and the following employees in the office of the register of deeds shall be paid the following compensation:

Salary of deputy.

One deputy register of deeds shall be paid one thousand eight hundred and sixty dollars ($1,860.00) annually.

Salary of Sheriff.

SEC. 3. The Sheriff of Sampson County shall be paid an annual salary to be fixed by the board of county commissioners as compensation for his services in attendance upon each term of civil, criminal and recorder's court, and, in addition thereto,

Right to retain fees.

the sheriff shall receive and retain all fees and expenses allowed by law to the Sheriff of Sampson County. The board of county commissioners shall ascertain and determine the number of

deputy sheriffs and/or jailers whose salaries shall be paid with county funds, and shall fix the salary of each at not less than one hundred and fifty dollars ($150.00) or more than two hundred and fifty dollars ($250.00) per month; and the number and salaries of the deputy sheriffs and/or jailers so determined shall be certified to the Sheriff of Sampson County, and said sheriff is hereby authorized and directed to appoint such officers: *Provided,* that in the event the jailer's salary is paid with county funds that such salary shall be in full satisfaction and compensation for all services required of or performed by said jailer, and all jail fees thereafter paid to or collected by any court in Sampson County shall be paid to the county and credited to the general county fund, and all the actual expenses of operating said jail, including prisoner's food, shall be paid by said county out of its general fund.

Number and salaries of deputy sheriffs and jailers.

Jailer's fees payable to County if salary paid with county funds.

SEC. 4. The board of county commissioners is authorized and empowered, in its discretion, to allow and pay the Clerk of the Superior Court, the register of deeds and sheriff such additional compensation for clerk hire as it may deem necessary for the prompt and efficient discharge of all duties required of said officers, the number and salaries of such clerical help to be fixed by the board of commissioners. The board of county commissioners is authorized and empowered, in its discretion, to allow and pay the sheriff, deputy sheriffs, and other county officials such amounts as may be necessary and proper to cover travel expenses incurred by said officials in the discharge of their duties.

Authority for additional payments to certain county officials for Clerk hire.

Travel expenses.

SEC. 5. The salaries and compensation herein allowed shall be payable in equal monthly installments out of the general fund of said county, and said salaries shall be effective as of the first day of January, 1947, and the board of county commissioners is hereby authorized and empowered to amend the budget for the current fiscal year so as to provide for the payment of the salaries herein authorized.

Monthly installment payments of salaries.

Effective date.

Amendment of current budget.

SEC. 6. The board of county commissioners is authorized, in its discretion, to increase or decrease the salaries of all county officials and employees in an amount not to exceed fifteen per centum (15%) of the salaries as fixed by law.

Sampson County Commissioners authorized to alter salaries.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 548 **CHAPTER 724**

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A STATE EDUCATION COMMISSION TO MAKE A STUDY OF EDUCATIONAL PROBLEMS, AND TO PRESENT THEIR FINDINGS AND TO MAKE RECOMMENDATIONS TO THE GOVERNOR, AND THE GENERAL ASSEMBLY OF 1949.

The General Assembly of North Carolina do enact:

Governor authorized to appoint State Education Commission.

Selection of members.

Duties of commission.

Report.

SECTION 1. That the Governor of North Carolina is hereby authorized to appoint a Commission to be known as the State Education Commission, consisting of eighteen members, six of whom shall be selected from educational groups within the State, and twelve of whom shall be selected from the agricultural, business, industrial, and professional life of the State. It shall be the duty of this Commission to study all educational problems to the end that a sound overall educational program may be developed in North Carolina, and to report their findings and make recommendations to the Governor and the General Assembly of 1949.

Organization meeting; election of officers.

Status of members.

SEC. 2. After their appointment, the Commission shall meet in the office of the Governor of North Carolina not later than the 15th of May, 1947, and upon the recommendation of the Governor, elect a chairman and a full time executive secretary. The secretary may or may not be a member of the Commission. Membership on the Commission herein authorized shall not constitute public office but shall be considered as a commissioner for a special purpose; and the Governor may appoint as ex-officio member, or members, on said Commission any public official without violating the provisions of Article XIV, Section 7, of the State Constitution.

Comprehensive study of education problems.

SEC. 3. This Commission shall make a comprehensive study of organization, administration, finance, teacher education, supervision, curriculum, standardization, consolidation, transportation, buildings, personnel, a merit rating system for teachers, vocational education, and any other problems related to the overall educational program of the State.

Per diem and travel allowances.

SEC. 4. Each member of the Commission shall be entitled to per diem and travel the same as is paid to the State Board of Education, when attending any meeting of the Commission or while engaged in the performance of any duties of the Commission.

Salary of executive secretary.

SEC. 5. The Commission is authorized to set the salary of a full time executive secretary, with the approval of the Director of the Budget.

Powers of executive secretary.

SEC. 6. The Executive Secretary of the Commission shall have the authority and power to subpoena witnesses and compel their attendance to testify and/or produce records at any hearing before the Commission, or any committee thereof, under the same provisions of the law as now applies to attendance of witnesses before Legislative Committees.

Appropriation of funds for work of Commission.

SEC. 7. To cover the cost of an executive secretary, office personnel, travel expenses, supplies, communications, printing, and other costs incidental to the completion of the duties of the Commission as herein set out, there is hereby appropriated the sum of twenty-five thousand dollars ($25,000.00) per year for the next biennium.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws inconsistent with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 9. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall be in effect immediately upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 592 CHAPTER 725

AN ACT TO PROVIDE FOR THE ORDERLY GROWTH AND EXTENSION OF MUNICIPALITIES WITHIN THE STATE OF NORTH CAROLINA.

Preamble:

Experience of General Assembly as to local bills extending corporate limits.

WHEREAS, the General Assembly of North Carolina devotes a large portion of its time in consideration of a multitude of local bills seeking the extension of the corporate limits of cities and towns; and

Statement of sentiment of 1947 General Assembly as to need for general statutory procedure for extending limits.

WHEREAS, it is the sentiment of this General Assembly that the intent and purposes of Section 29 of Article II and Section 4 of Article VIII of the Constitution of North Carolina will be more fully met by providing the procedure under statewide statutes through which the corporate limits of municipalities may be enlarged without resorting to the enactment of Private or Public-Local Acts: *Now, therefore,*

The General Assembly of North Carolina do enact:

Procedure for adoption of municipal ordinance extending corporate limits.

SECTION 1. After public notice has been given by publication once a week for four successive weeks in a newspaper in the county with a general circulation in the municipality, or if there be no such paper, by posting notice in five or more public places within the municipality, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory, that a session of the municipal legislative body will meet for the purpose of considering the annexation of such territory to the municipality, the governing body of any municipality is authorized and empowered to adopt an ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts of land not embraced within the corporate limits of some other municipality.

Effect of adoption of extension ordinance, when no election required.

Then from and after the date of the adoption of such ordinance, unless an election is required as herein provided, the territory and its citizens and property shall be subject to all the debts, laws, ordinances and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the date of annexation.

Provision for referendum on question of extension.

SEC. 2. If, at the meeting held for such purpose, a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters resident in the area proposed to be annexed requesting a referendum on the question, the governing body shall, before passing said ordinance, annexing the territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the area proposed to be annexed, and the governing body may or may not cause the question to be submitted to the residents of the municipality voting separately. The governing body may, without receipt of a petition, call for a referendum on the question, *provided, however,* the governing body of the municipality shall be required to call for a referendum within the municipality if a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters residing in the municipality, who actively participated in the last gubernatorial election.

Determination of extent of participation in referendum.

SEC. 3. Upon receipt of a sufficient petition, or if the board, on its own motion, determines that a referendum shall be held, the local governing body shall determine whether or not the election will be conducted solely in the area to be annexed or simultaneously with the qualified voters of the municipality,

Call of election.

and shall order the board of elections of the county in which the municipality is located to call an election to determine whether or not the proposed territory shall be annexed to the

city or town. Within sixty (60) days after receiving such order from the governing body, the county board of elections shall proceed to hold an election on the question.

Action required by County Board of Elections, as to calling and conduct of election.

SEC. 4. That such election shall be called by a resolution or resolutions of said county board of elections which shall:

(a) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;

(b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed, and if ordered by the local governing body, the qualified voters of said city or town voting separately;

(c) Provide for a special registration of voters in the territory proposed to be annexed for said election;

(d) Designate the precincts and voting places for such election;

(e) Name the registrars and judges of such election;

(f) And make all other necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the results of such election. Said resolution shall be published in one or more newspapers of the said county once a week for thirty (30) days prior to the opening of the registration books. All cost of holding such election shall be paid by the city or town. Except as herein provided, said election shall be held under the same statutes, rules, and regulations as are applicable to elections in the municipality whose corporate limits are being enlarged.

Publication of resolution as to election.

Costs of election.

Ballots.

SEC. 5. That at such election those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast from the area proposed for annexation shall be "For Extension," and, in the event an election is held in the municipality, the majority of the votes cast in the municipality shall also be "For Extension," then from and after the date of the declaration of the result of such election the territory and its citizens and property shall be subject to all the debts, laws, ordinances, and regulations in force in said city or town and shall be entitled to the same privileges and benefits as other parts of said city or town. The newly elected territory shall be subject to city taxes levied for the fiscal year following the date of annexation.

Effect of majority vote for extension.

Map of annexed area, copy of ordinance, and election results, recorded in office of Register of Deeds.

SEC. 6. Whenever the limits of any municipal corporation are enlarged, in accordance with the provisions of this Act, it shall be the duty of the mayor of the city or town to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, and the official results of the election, if conducted, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State.

Municipal governing bodies authorized to make surveys of proposed new areas.

SEC. 7. The governing bodies of the cities and towns are hereby authorized to make the surveys required to properly describe the territory proposed to be annexed.

Powers of municipalities as to annexation of areas having less than 25 eligible voter-residents.

SEC. 8. No city or town shall, by virtue of the authority granted in this Act, annex any territory in which there is less than twenty-five legal residents eligible to register and vote unless the owners of all the property proposed to be annexed sign a petition requesting the governing body to annex the territory.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed: *Provided,* that this Act shall not apply to any city or town for which a method of changing the corporate limits has been provided by Public-Local or Private Acts.

Application of Act.

Provided further that this Act shall not apply to any town or municipality in New Hanover County or Dare County.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 624 CHAPTER 726

AN ACT TO AUTHORIZE AND ENABLE THE STATE BOARD OF AGRICULTURE TO CONSTRUCT AND FINANCE FACILITIES AND IMPROVEMENTS FOR THE STATE FAIR OUT OF FUNDS OTHER THAN FROM THE GENERAL REVENUES OF THE STATE.

Preamble:

Need for adequately equipped State Fair.

WHEREAS, the continual progress and growth of the State of North Carolina require an adequately equipped State Fair to reflect this progress and growth by educational exhibitions and presentations; and

WHEREAS, to keep step with the rapid development of the State in its many diversified resources and enterprises, it is necessary that a long range program for the expansion of the State Fair be evolved to the end that improvements and facilities be provided for the staging of all types of educational shows, contests and exhibitions not only for short periods but on a year round basis: *Now, therefore,*

Need for long range expansion program.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building, enlarging and improving the facilities on the properties of the State Fair Grounds, the State Board of Agriculture is hereby empowered and authorized to borrow money, and to issue revenue bonds therefor, payable in series at such time or times and bearing such rate of interest as may be fixed by the Governor and Council of State: *Provided,* that no part of the payments of the principal or interest charges on said loan shall be made out of the general revenue of the State of North Carolina or Agricultural Fund revenue, and the credit of the State of North Carolina and the State Department of Agriculture or the Agricultural Fund, other than the revenue derived from the operation of the State Fair Grounds, shall not be pledged either directly or indirectly for the payment of said principal or interest charges. The receipts, funds, and any other State Fair assets or revenues derived from operation of the State Fair Grounds may be pledged as security for the payment of any bonds that may be issued.

State Board of Agriculture authorized to issue bonds for improving State Fair Grounds facilities.

Limitation as to use of State general revenues and as to pledge of State credit.

Provision for payment of bonds.

SEC. 2. That for the further purpose of acquiring, constructing, operating and financing said properties and facilities of the North Carolina State Fair, the Board of Agriculture may enter into such agreements, contracts and leases as may be necessary for the purpose of this Act, and may pledge, appropriate, and pay such sums out of the gate receipts or other revenues coming to the State Board of Agriculture from the operation of any facilities of or on the State Fair Grounds as may be required to secure, repay, or meet the principal and interest charges on the loan herein authorized.

State Board of Agriculture authorized to make contracts, leases, to carry out Act.

Pledge and use of State Fair revenues for payment of bonds and interest.

SEC. 3. The State Board of Agriculture may receive gifts and endowments, whether real estate, moneys, goods or chattels, given or bestowed upon or conveyed to them for the benefit of the State Fair, and the same shall be administered in accordance with the requirements of the donors.

Authority of Board to accept gifts, endowments, for State Fair benefit.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 763 CHAPTER 727

AN ACT TO ADJUST THE COMPENSATION OF THE MEMBERS OF THE CAMDEN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Ch. 314, Session Laws, 1945, as to pay of Chairman, Education Board, Camden County, repealed.

SECTION 1. That Chapter 314 of the Session Laws of 1945 be and the same is hereby repealed.

Per diem and travel expense allowances of Chairmen and members, Board of Education, Camden County.

SEC. 2. The Chairman of the County Board of Education of Camden County shall be paid a per diem of seven dollars and fifty cents ($7.50) per day for attendance upon meetings of said county board of education, and each of the other two members of said board shall be paid a per diem of six dollars ($6.00) per day for attendance upon meetings of said board. In addition to said per diem, each member of the board shall receive a travel allowance at the rate of five cents (5c) a mile to and from the place of meeting.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in effect from and after the regular meeting of the Camden County Board of Education in April, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 774 CHAPTER 728

AN ACT TO AUTHORIZE THE PRIVATE SALE OF PROPERTY BY THE COUNTY OF FRANKLIN AND MUNICIPALITIES THEREIN, AND TO VALIDATE CERTAIN CONVEYANCES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Private sales of property acquired by tax suit, by Franklin County and municipalities therein, authorized.

SECTION 1. Subject to the restrictions hereinafter imposed, the Board of County Commissioners of Franklin County and the governing body of any incorporated city or town therein

is hereby authorized, in its discretion, to sell at private sale, without advertisement, and thereafter convey any property purchased or otherwise acquired by such county or any such city or town, or by such county and any such city or town jointly, in connection with any tax suit or account: *Provided*, that no such private sale or any conveyance thereunder shall be valid unless the specific property so sold or conveyed shall have previously been offered by such county or city or town for sale at public auction after due advertisement as required by law; and *provided, further*, that in no event shall any such private sale be consummated or any conveyance thereunder be valid unless the consideration received by such county or city or town for such property shall be equal to or in excess of the highest offer received therefor at such previous public sale.

Restrictions.

SEC. 2. All conveyances heretofore made in good faith and for adequate consideration by the County of Franklin or any incorporated city or town therein, or jointly by the county and any such city or town, or by T. K. Stockard or W. N. Fuller in the capacity of trustee, commissioner or agent for such county, city or town, are hereby validated and confirmed in all respects.

Certain prior sales and conveyances, validated.

SEC. 3. This Act shall not apply to any litigation pending at the date of its ratification.

Act not applicable to pending litigation.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 788 **CHAPTER 729**

AN ACT RELATIVE TO BONDS OF THE TOWN OF PLYMOUTH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event the corporate limits of the Town of Plymouth shall be extended as provided in House Bill 634 of the Regular Session of the General Assembly of 1947, the Town of Plymouth shall be limited to the issuance of bonds pursuant to the Municipal Finance Act, 1921, and the Local Government Act, for the purposes of extending and improving

Limitation upon bond issues for improving annexed area, Town of Plymouth.

its water and sewer systems and improving and constructing its streets and sidewalks to a maximum aggregate principal amount not exceeding two hundred and fifty thousand dollars ($250,000.00). Such bonds may be issued notwithstanding the limitation of net debt contained in said Municipal Finance Act.

Bonds authorized notwithstanding net debt limitation of Municipal Finance Act.

Conflicting laws repealed.

SEC. 2. All laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 791 CHAPTER 730

AN ACT PRESCRIBING A SHERIFF'S FEE IN CHEROKEE COUNTY IN CASES WHERE SUMMONS IS RETURNED NOT FOUND.

The General Assembly of North Carolina do enact:

Fee of Sheriff, when civil summons return shows defendants not found, Cherokee County.

SECTION 1. That the Sheriff of Cherokee County shall be entitled to a fee of one dollar ($1.00) for the making of a return of civil summons that the defendant or defendants are not to be found within his county; *provided, however,* that only one dollar ($1.00) shall be charged for any one summons so returned whether there be one or many defendants named therein.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 792 **CHAPTER 731**

AN ACT TO AMEND CHAPTER 861 OF THE SESSION LAWS OF 1945 SO AS TO AUTHORIZE THE APPOINTMENT OF AN ASSISTANT JUDGE OF THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 861 of the Session Laws of 1945 is hereby amended by adding the following paragraph at the end of Section 1 thereof:

Ch. 861, Session Laws, 1945, amended.

The Board of County Commissioners of Surry County is hereby authorized to appoint an Assistant Judge of the Recorders Court of Mount Airy Township in Surry County, who shall serve at the pleasure of such board and shall be paid out of general county funds such salary as the Board of County Commissioners of Surry County may deem commensurate with his services. The assistant judge so appointed shall have power and authority to hold court and perform all other judicial functions, at such times as the regular judge is, for any reason, unavailable, as fully in all respects as such regular judge could hold such court or exercise such functions.

Appointment of Assistant Judge of Recorders Court, Mt. Airy Township, Surry County; Term; salary.

Powers and authority.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 801 **CHAPTER 732**

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS BY THE LYON SWAMP DRAINAGE AND LEVEE DISTRICT FOR IMPROVEMENTS BELOW THE VOLLER'S LINE.

Preamble:

WHEREAS, the Lyon Swamp Drainage and Levee District was established in Pender and Bladen Counties by a final order of the Clerk of the Superior Court of Pender County, dated August 10th, 1910, in a proceeding then pending before him; and

Establishment of Lyon Swamp Drainage and Levee District, Pender and Bladen Counties.

WHEREAS, pursuant to the provisions of Chapter 442 of the Public Laws of 1909, the board of drainage commissioners of said district issued bonds and levied assessments against lands in said district below the Voller's line; and

Issuance of bonds, levy of assessments, as to lands below Voller's line.

Same, as to lands above Voller's line.

WHEREAS, subsequent thereto, the board of drainage commissioners in said district issued bonds and levied assessments against lands above the Voller's line for the payment of said bonds; and

Necessity for widening and deepening certain portion of canal.

WHEREAS, because of the silting up of the canal and the accumulation of the debris in the canal above the Voller's line, it has become necessary to widen and deepen that portion of the canal below the line which will not substantially benefit the owners of the land within said district above the Voller's line: *Now, therefore,*

The General Assembly of North Carolina do enact:

Lyon Swamp Drainage and Levee District authorized to issue bonds and levy assessments against only lands below Voller's line.

SECTION 1. The Board of Drainage Commissioners of the Lyon Swamp Drainage and Levee District is authorized and empowered to issue district bonds and to levy assessments against only the lands lying below the Voller's line in said district.

Privilege granted to land owners above Voller's line.

SEC. 2. The land owners above the Voller's line in said district shall be allowed to drain the waters from their lands into the main canal without making contribution for such privilege and may, at their own expense, without cost to the land owners below said line, extend or improve the canal through their lands.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 805 CHAPTER 733

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF STANLY COUNTY TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION WHETHER BONDS OF SAID COUNTY SHALL BE ISSUED FOR THE ERECTION OF A LIVING WAR MEMORIAL.

The General Assembly of North Carolina do enact:

Stanly County Commissioners authorized to issue bonds for community center building as memorial to war veterans.

SECTION 1. That the Board of Commissioners of Stanly County is hereby authorized and empowered, in its discretion, to authorize bonds of said county, in the manner prescribed by and in accordance with the provisions of The County Finance Act, for the acquisition of a site and for the erection of a living

memorial to the men and women of Stanly County who served in World War I and World War II, such living memorial to be in the form of a community center building located at such place as may be designated by the Board of Commissioners of Stanly County, and such building to provide such facilities for the benefit of the people of Stanly County as will, in the opinion of the board of commissioners, best serve the purposes of a community building, which facilities may include an auditorium, indoor gymnasium or other features as may be determined as aforesaid. The order adopted pursuant to The County Finance Act to authorize said bonds shall take effect when approved by a majority of the qualified electors of Stanly County at an election as provided in The County Finance Act, and the board of commissioners is hereby authorized and empowered to call a special election for such purpose; and such special election shall be called, held, conducted and the result thereof canvassed and determined in accordance with the provisions of The County Finance Act. Several orders or other matters may be voted upon at such election.

Bond order subject to referendum.

Call and conduct of special election.

SEC. 2. That if a majority of the qualified electors of Stanly County vote in favor of approving the order authorizing said bonds and in favor of issuing said bonds and the levy of a special tax for the purpose of paying said bonds and the interest which may accrue thereon, the Board of Commissioners of Stanly County is hereby authorized and empowered to issue bonds of Stanly County for said purpose not in excess of the sum of one hundred thousand dollars ($100,000.00), said bonds to be issued in accordance with the procedure provided by The County Finance Act, Article 9 of Chapter 153 of the General Statutes, and when issued the full faith and credit of the county shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond issued by virtue hereof; and the governing body shall annually levy and collect a tax ad valorem upon all the taxable property of the county sufficient to pay the principal of and interest on all bonds issued under this Act, as such principal and interest may become due, in the manner authorized by G. S. 153-110.

Bonds and tax levy authorized upon majority favorable vote.

Limitation of amount.

Procedure for issuing bonds.

Pledge of county credit.

Levy and collection of tax.

SEC. 3. That if a majority of the qualified electors of Stanly County vote in favor of the issuance of said bonds hereinbefore referred to, the Board of Commissioners of Stanly County is hereby authorized and empowered to purchase a site and erect a memorial building hereinbefore referred to as a memorial to the men and women of Stanly County who served in the Armed Forces of the United States during World War I and World War II. If a majority of the qualified electors of Stanly County shall vote in favor of the issuance of said bonds, the

Authority to purchase site and erect memorial building.

Annual tax levy.

Board of Commissioners of Stanly County is hereby authorized and empowered to annually levy upon all taxable property of said county, amounts sufficient to pay the interest on and principal of the bonds which may be issued under the authority of this Act in the manner provided in G. S. 153-110, and, except as herein otherwise provided, all of the provisions of The County Finance Act not inconsistent with the provisions of this Act shall be applicable to the issuance of said bonds and the levy of taxes for the payment of the principal thereof and interest thereon.

Application of County Finance Act.

Ch. 843, Session Laws, 1945, and conflicting laws, repealed.

SEC. 4. That Chapter 843 of the Session Laws of 1945 and all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 813 CHAPTER 734

AN ACT TO AMEND CHAPTER 171 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE SALARIES OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Ch. 171, Public-Local Laws, 1941, amended.

SECTION 1. That Section 1 of Chapter 171 of the Public-Local Laws of 1941 be, and the same is hereby, amended by striking out the period following the words "forty-one" in line five of said Section and substituting a colon in lieu thereof and adding the following:

Halifax County Commissioners authorized to increase salaries of C.S.C. and Register of Deeds.

Provided, that the Board of County Commissioners of Halifax County may, in their discretion, in addition to the salary herein provided for, on and after March 1st, 1947, increase the salaries of the Clerk of the Superior Court and the Register of Deeds of Halifax County in an amount not to exceed six hundred dollars ($600.00) per annum.

Clarification of intent of Act as to increase of salaries, including Sheriff's salary.

SEC. 2. It is the intent of this Act, as well as the intent of Section 1 of the 1947 amendment to Chapter 84 of the Session Laws of 1945, to authorize the Board of Commissioners of Halifax County, in their discretion, to increase the salaries of the Register of Deeds, the Clerk of the Superior Court and the Sheriff of Halifax County from their present salaries of

thirty-six hundred dollars ($3,600.00) per annum by an amount not to exceed six hundred dollars ($600.00) uer annum, which said increase of six hundred dollars ($600.00) is in the discretion of the board of commissioners of said county; that when said salaries have been increased by said Board of Commissioners of Halifax County, which shall be in an equal amount applicable to all of said officers, then the said Board of Commissioners of Halifax County shall thereafter have the power, in their discretion, to decrease the salaries of all three of said officers to not less than thirty-six hundred dollars ($3,600.00) per annum, upon condition only that the decrease in said salaries shall apply equally to all three officers herein above described.

Power to decrease salaries.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 818 CHAPTER 735

AN ACT TO PERMIT THE GOVERNING BODY OF THE TOWN OF MOORESVILLE, IREDELL COUNTY, NORTH CAROLINA, TO ESTABLISH A SYSTEM OF PARKING METERS AND TO USE THE PROCEEDS FROM SAME FOR THE MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of regulation and limitation of vehicular traffic and parking in the Town of Mooresville, the governing body of the Town of Mooresville is authorized and empowered, in its discretion, to enact ordinances providing for a system of parking meters in said Town of Mooresville which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicle or motor vehicles for stipulated periods of time in those areas in said Town of Mooresville in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

Authority to establish parking meter system, Town of Mooresville.

Limitation of amount of deposit.

SEC. 2. The proceeds derived from the use of such parking meters in the Town of Mooresville shall be set up and maintained in a special account and fund and used in the discretion of the governing body of the Town of Mooresville for the estab-

Use of proceeds from parking meters.

lishment and maintenance of such parking meters and for making such regulation effective; and in addition thereto, and in the discretion of the governing body of the Town of Mooresville, said proceeds may be used for the establishment, maintenance and operation of any and all recreational facilities of the Town of Mooresville, including playgrounds, recreation centers and the acquisition of land or buildings for such purposes.

Application of G.S., Chs. 20 and 136.

SEC. 3. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters established in the Town of Mooresville or the fees required in the use thereof.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 5. Any emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 819 CHAPTER 736

AN ACT TO AMEND CHAPTER 519 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATING TO THE SALARIES OF THE SHERIFF AND CLERK OF THE SUPERIOR COURT OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Sec. 4, Ch. 519, Public-Local Laws, 1913, amended.

SECTION 1. That Section 4 of Chapter 519 of the Public-Local Laws of 1913 be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows:

Iredell County Commissioners authorized to increase salary of Sheriff.

The Board of County Commissioners of Iredell County be, and they are hereby, authorized in their discretion to increase the salary of the sheriff to four thousand dollars ($4,000.00) per annum. Nothing herein shall be construed as authorizing the said board to decrease the salary of said sheriff to an amount of less than three thousand dollars ($3,000.00) per annum.

Decrease of salary, limitation.

Sec. 7, amended.

SEC. 2. That Section 7 of Chapter 519 of the Public-Local Laws of 1913 be, and the same is hereby amended by adding a new paragraph to read as follows:

Authority to increase salary of Clerk of Superior Court.

The Board of County Commissioners of Iredell County be, and they are hereby, authorized in their discretion to increase the salary of the Clerk of the Superior Court to four thousand

dollars ($4,000.00) per annum. Nothing herein shall be construed as authorizing the said Board to decrease the salary of said Clerk of the Superior Court to an amount of less than three thousand dollars ($3,000.00) per annum.

Decrease of salary; limitation.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 833 CHAPTER 737

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY TO PAY THE COUNTY JAILER A SALARY OF FIFTY DOLLARS A MONTH.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Mitchell County is hereby authorized to pay a salary of fifty dollars ($50.00) a month to the deputy sheriff who serves as jailer, and such official shall be designated as the chief deputy jailer. Such salary shall be in addition to any fees allowed by law.

Salary of deputy sheriff as jailer, Mitchell County.

Designation as chief deputy jailer.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 834 CHAPTER 738

AN ACT RELATING TO COURT COSTS IN THE MAYOR'S COURT IN THE TOWN OF TRYON IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In every criminal action tried in the Mayor's Court of the Town of Tryon of which action the mayor's court has final jurisdiction, an additional sum of two dollars ($2.00) shall be taxed as part of the costs in every case in which the defendant or prosecuting witness or prosecutor is ordered to pay the costs, which said two dollars ($2.00), to be known as the Patrol Car Fee, shall be paid into the general fund of the

Additional costs taxed in criminal cases, Mayor's Court, Town of Tryon, as Patrol Car Fee.

Use of funds.

Town of Tryon, and shall be used to assist in defraying the expense of operating a police patrol car by said town to apprehend criminals and for the general protection of the citizens.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 839 **CHAPTER 739**

AN ACT TO FIX CERTAIN FEES OF SHERIFFS, MAYORS, JUSTICES OF THE PEACE, JURORS, AND OTHER OFFICERS IN DUPLIN COUNTY, AND TO AMEND CHAPTER 85 OF THE PUBLIC LAWS OF 1937 AND CHAPTER 85 OF THE PUBLIC LAWS, EXTRA SESSION, 1924 RELATING TO JURY TRIALS IN THE GENERAL COUNTY COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Certain fees of certain officers, Duplin County, prescribed.

SECTION 1. In Duplin County fees to be charged by sheriffs, mayors, justices of the peace, jurors, and other officers shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now provided by law in Duplin County:

Bill of cost in civil matters. Fees of Justices of Peace.

BILL OF COST IN CIVIL MATTERS
FEES OF JUSTICES OF THE PEACE

Summons	ea.	$ .50
Additional Defendants	ea.	.25
Affidavit	ea.	.50
Plaintiff's Undertaking	ea.	.50
Order to Seize Property	ea.	.50
Affidavit for Removal	ea.	.50
Order of Removal	ea.	.50
Subpoena	ea.	.25
Trial When Issue Joined	ea.	1.50
Trial When No Iss. Joined	ea.	1.50
Transcript of Judgment	ea.	.25
Execution of Judgment	ea.	.75
Return on Appeal	ea.	1.00
Docketing of Appeal	ea.	.50
Jury Trial & Entering Verd.	ea.	2.00

Fees of other officers.

FEES OF OTHER OFFICERS		
Serving Summons	ea.	1.00
Seizing Property	ea.	2.00
Serving Subpoena	ea.	.50
Execution	ea.	2.50
Summonsing Jury	ea.	.50

Bill of Cost in criminal cases. Fees of Justices of Peace.

BILL OF COST IN CRIMINAL CASES FEES OF JUSTICES OF THE PEACE	
Affidavit, each	.50
Warrant, each	1.00
Subpoenas, each	.25
Commitment, each	.50
Recognizance, each	.50
Judgment contested, each	2.00
Judgment, not contested, each	1.50
Affidavit for Removal, each	.50
Order of Removal, each	.50
Capias and Order, each	1.00

Fees of other officers.

FEES OF OTHER OFFICERS	
Arrest, each	2.25
Subpoena, each	1.00
Capias, each	2.25
Conveying to jail, when distance is over five miles	2.50

Fees in criminal actions before mayors of municipalities in Duplin County.

SEC. 2. In criminal actions instituted and heard before mayors of incorporated cities and towns in Duplin County, the fee shall be the same as those herein fixed for justices of the peace.

Fees of Sheriff, etc., for seizing and destroying whiskey still.

SEC. 3. That in addition to the fees allowed in Section 1 of this Act, or any other fees allowed by law, the sheriff, or any deputy sheriff, constable, and any other law enforcement officers of Duplin County shall be entitled to and shall receive a fee of ten dollars ($10.00) for seizing and destroying a whiskey still, and that when such still is seized and destroyed and the arrest is made in connection therewith and conviction had, such sheriff, deputy sheriff, constable, or other law enforcement officer shall receive a fee of twenty-five dollars ($25.00).

Fees when still seized and destroyed and arrest made.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 840 **CHAPTER 740**

AN ACT RELATING TO THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT AND AMENDING CHAPTER 209 OF THE PRIVATE LAWS OF 1907, AS AMENDED.

The General Assembly of North Carolina do enact:

Sec. 2, Ch. 209, Private Laws, 1907, amended, as to corporate limits, Rocky Mount.

SECTION 1. That Section 2 of Chapter 209 of the Private Laws of 1907 entitled, "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount, to be hereafter known as the City of Rocky Mount," as amended be, and the same is hereby amended as follows:

By striking out all after the semicolon after the word, "Highway" in line 10 of subdivision 1 of Section 1 of Chapter 187 of the Private Laws of 1927 through the call, "thence in a westerly direction along the center line of Tarboro Street extended to its intersection with the center line of Oakwood Street," in lines 11, 12, and 13 in subdivision 1 of Section 1 of Chapter 550 of the Private Laws of 1939, and inserting in lieu thereof the following:

Boundaries of extended area.

thence continuing said line southerly to the western bank of Cowlick Branch; thence southerly along the western bank of Cowlick Branch to the mouth of a canal entering the same from the west; thence up the said canal in a westerly direction to the western property line of the road leading from the Rocky Mount-Tarboro Highway to the fair grounds; thence in a southerly direction along the western property line of said fair grounds road to and across Tarboro Street to a point 150 feet southwest of the southwestern property line of Tarboro Street; thence in a northwesterly direction and parallel with Tarboro Street to the center of Oakwood Street.

Sec. 3, amended.

SEC. 2. That so much of Section 3 of Chapter 209 of the Private Laws of 1907, as amended, as defines the Third Ward be and the same is hereby stricken out and the following inserted in lieu thereof:

Boundaries of Third Ward, City of Rocky Mount.

Third Ward: That part of the territory of the city embraced within the following boundaries shall constitute the Third Ward, to-wit: Beginning at a point where the center of the main line of the Atlantic Coast Line Railroad is intersected by the center line of Tarboro Street; thence in a southeasterly direction with the center line of Tarboro Street to a point where the same is intersected by the eastern boundary line of the city; thence along the said boundary line in a southerly direction, then a southwesterly direction and then a northwesterly

direction to the center of Oakwood Street; thence continuing with the said boundary line in a southerly direction to its intersection with the center line of Hill Street; thence northwesterly along the center line of Hill Street of its intersection with the center line of Redgate Avenue; thence westerly along the center line of Redgate Avenue to its intersection with the center line of Cokey Road; thence northerly along the center line of Cokey Road to its intersection with the center line of Marigold Street; thence northwesterly with the center line of Marigold Street to its intersection with the center line of Edgecombe Street; thence westerly along the center line of Edgecombe Street to a point where the same is intersected by the center of the main line of the Atlantic Coast Line Railroad; thence in a northerly direction with the center of the main line of the Atlantic Coast Line Railroad to the point of beginning.

Sec. 3, amended further.

SEC. 3. That so much of Section 3 of Chapter 209 of the Private Laws of 1907, as amended, as defines the Seventh Ward be and the same is hereby stricken out and the following inserted in lieu thereof:

Boundaries of Seventh Ward.

Seventh Ward: That part of the territory of the city embraced within the following boundaries shall constitute the Seventh Ward, to-wit: Lying east of the main line of the Atlantic Coast Line Railroad and south of the southern line of the Third Ward and beginning at a point where the center line of the main line of the Atlantic Coast Line Railroad is intersected by the center line of Edgecombe Street; thence easterly along the center line of Edgecombe Street to its intersection with the center line of Marigold Street; thence southeasterly with the center line of Marigold Street to its intersection with the center line of Cokey Road; thence southerly with the center line of Cokey Road to its intersection with the center line of Redgate Avenue; thence easterly along the center line of Redgate Avenue to its intersection with the center line of Hill Street; thence southeasterly along the center line of Hill Street to its intersection with the eastern boundary line of the city; thence southerly along the eastern boundary lines of the city to its intersection with the old Wilson Road; thence westerly with the southern boundary line of the city to its intersection with the center of the main line of the Atlantic Coast Line Railroad to the point of beginning.

Levy and collection of taxes in new area.

SEC. 4. That there shall be levied and collected in the new territory herein annexed to said city the same tax for all municipal purposes that is levied and collected within the territory heretofore within the corporate limits of said city.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. That this Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 842 CHAPTER 741

AN ACT TO PROVIDE COMPENSATION FOR CERTAIN DEPUTY SHERIFFS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Wayne County Commissioners authorized to provide compensation for six deputy sheriffs.

SECTION 1. The Board of County Commissioners of Wayne County is authorized and empowered to provide such compensation as they may determine for six deputy sheriffs of the county.

Authority to fix salaries of Judge and Solicitor, General County Court.

SEC. 2. The Wayne County Board of Commissioners is authorized and empowered to determine and fix the salaries of the Judge and Solicitor of the General County Court of Wayne County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 844 CHAPTER 742

AN ACT TO FIX CERTAIN FEES OF THE SHERIFF OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Schedule of certain fees of Sheriff, Carteret County.

SECTION 1. In Carteret County fees to be charged by the Sheriff shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now provided by law in Carteret County.

For service of civil summons & complaint, one dollar ($1.00) each defendant. Fees for service of various papers.

For service of claim & delivery, two dollars and fifty cents ($2.50).

For service of writ of ejectment, two dollars and fifty cents ($2.50).

For service of criminal warrant, two dollars ($2.00) each defendant.

For service of habeas corpus, five dollars ($5.00).

For service of subpoena for criminal cases, fifty cents (50c) each witness.

For service of civil cases, fifty cents (50c) each witness.

For service of executions, one dollar ($1.00) each defendant.

Collection of execution, five per cent (5%) of monies collected. Fee for collection of execution.

SEC. 2. In addition to the fees prescribed in Section 2 hereof, the Sheriff shall receive mileage at the rate of five cents (5c) per mile for travel expense necessarily incurred in serving process received from outside Carteret County. Travel expense allowances.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 850 CHAPTER 743

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION WHETHER BONDS OF SAID COUNTY SHALL BE ISSUED FOR THE ERECTION OF A LIVING WAR MEMORIAL.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Anson County is hereby authorized and empowered, in its discretion, to authorize bonds of said county, in the manner prescribed by and in accordance with the provisions of The County Finance Authority for bond issue for community center building as war memorial, Anson County.

Act, for the acquisition of a site and for the erection of a living memorial to the men and women of Anson County who served in World War I and World War II, such living memorial to be in the form of a community center building located at such place as may be designated by the Board of Commissioners of Anson County, and such building to provide such facilities for the benefit of the people of Anson County as will, in the opinion of the board of commissioners, best serve the purposes of a community building, which facilities may include an auditorium, library facilities, indoor gymnasium or other features as may be determined as aforesaid. The order adopted pursuant to The County Finance Act to authorize said bonds shall take effect when approved by a majority of the qualified electors of Anson County at an election as provided in The County Finance Act, and the board of commissioners is hereby authorized and empowered to call a special election for such purpose; and such special election shall be called, held, conducted and the result thereof canvassed and determined in accordance with the provisions of The County Finance Act. Several orders or other matters may be voted upon at such election.

Bond issue subject to referendum.

Call and conduct of election.

Issuance of bonds authorized upon majority favorable vote.

SEC. 2. That if a majority of the qualified electors of Anson County vote in favor of approving the order authorizing said bonds and in favor of issuing said bonds and the levy of a special tax for the purpose of paying said bonds and the interest which may accrue thereon, the Board of Commissioners of Anson County is hereby authorized and empowered to issue bonds of Anson County for said purpose not in excess of the sum of two hundred thousand dollars ($200,000.00), said bonds to be issued in accordance with the procedure provided by The County Finance Act, Article 9 of Chapter 153 of the General Statutes, and when issued the full faith and credit of the county shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond issued by virtue hereof; and the governing body shall annually levy and collect a tax ad valorem upon all the taxable property of the county sufficient to pay the principal of and interest on all bonds issued under this Act, as such principal and interest may become due, in the manner authorized by G. S. 143-110.

Limitation of amount.

Pledge of county credit for payment of bonds and interest.

Levy and collection of taxes.

Authority to purchase site and erect building upon majority favorable vote.

SEC. 3. That if a majority of the qualified electors of Anson County vote in favor of the issuance of said bonds hereinbefore referred to, the Board of Commissioners of Anson County is hereby authorized and empowered to purchase a site or sites and erect thereon a memorial building or buildings hereinbefore referred to as a memorial to the men and women of Anson County who served in the armed forces of the United States during World War I and World War II; and said commission-

ers are further authorized to erect any building or buildings or to make any addition or additions to any existing building or buildings for said purposes and to equip same as it may deem proper, necessary and advisable; purchase lands upon which to erect a building or buildings, and provide other and additional facilities, which may include an auditorium, library facilities, indoor gymnasium or other features as may be determined as aforesaid; sell lands now owned by the county and use the proceeds therefrom for said construction and/or equipment purposes. If a majority of the qualified electors of Anson County shall vote in favor of the issuance of said bonds, the Board of Commissioners of Anson County is hereby authorized and empowered to annually levy upon all taxable property of said county, amounts sufficient to pay the interest on and principal of the bonds which may be issued under the authority of this Act in the manner provided in G. S. 153-110, and, except as herein otherwise provided, all the provisions of the County Finance Act not inconsistent with the provisions of this Act shall be applicable to the issuance of said bonds and the levy of taxes for the payment of the principal thereof and interest thereon.

Authority to make additions to existing buildings.

Provision for other facilities.

Sale of lands now owned by County; use of proceeds.

Annual tax levy for payment of bonds and interest.

Application of County Finance Act.

SEC. 4. That if said election carries the Board of Commissioners of Anson County is hereby authorized and empowered to appoint a committee to be known as the "Anson County World War Memorial Commission," composed of five (5) members, to have general control, management, supervision and authority of and over such memorial or memorials as may be established hereunder, together with all buildings, equipment, appliances and other properties real and/or personal, and appurtenances thereto, and used in connection therewith. The five (5) members of said commission shall be appointed for terms of two (2) years each from the date of their appointment, and be selected as follows: Two (2) shall be residents of Wadesboro Township, one (1) shall be a resident of Ansonville or Lilesville Township, one (1) shall be a resident of Morven or Gulledge Townships, and one (1) shall be a resident of Burnsville, Lanesboro or White Store Townships.

Appointment of Anson County World War Memorial Commission.

Powers and functions.

Terms of members.

Residence qualifications.

SEC. 5. All vacancies occurring on said commission, either by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Commissioners of Anson County.

Vacancies filled.

SEC. 6. The aforesaid commission shall have no power or authority to mortgage, encumber or convey in any manner the properties under its supervision, nor any power to contract any debt or incur any obligations except upon express authority by resolution of the Board of Commissioners of Anson County. Said commission shall have the authority to control, manage, operate and superintend such memorial or memorials as may

Limitation of powers of Commission.

Authority of Commission.

be established hereunder, and may formulate rules and regulations for the use, preservation and maintenance of the same, including the adoption of by-laws fixing the time and place of regular meetings of their body and the manner of calling special meetings and manner and method of governing and controlling the memorial or memorials to be established, and may formulate and adopt such rules and regulations as may be proper and reasonable relating to the acceptance of gifts and donations to any memorial or memorials established hereunder.

Ch. 395, Session Laws, 1947, as to provision for Anson County World War Memorial, repealed.

SEC. 7. That House Bill Number 567, entitled "A Bill to be entitled an Act to authorize the Board of Commissioners and the Board of Elections of Anson County to hold a special election to determine whether bonds shall be issued for the erection of a World War Memorial, and the appointment of a commission to supervise same," ratified on March 19th, 1947, is hereby repealed.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 851 **CHAPTER 744**

AN ACT TO AMEND CHAPTER 406 OF THE PUBLIC-LOCAL LAWS OF 1915 IN RESPECT TO THE SALARY OF THE SOLICITOR OF THE COUNTY COURT OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 406, Public-Local Laws, 1915, as amended, further amended.

SECTION 1. Chapter 406 of the Public-Local Laws of 1915, as amended, is hereby amended by striking out Section 21 of said Chapter 406 and inserting in lieu thereof the following:

Salary of Solicitor of County Court, Greene County.

Sec. 21. That the solicitor shall receive such salary not in excess of twelve hundred dollars ($1,200.00) annually as the board of county commissioners, in its discretion, may deem commensurate with his services, such salary to be paid in equal monthly instalments by the Treasurer of Greene County upon warrants of the Clerk of said court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 855 CHAPTER 745

AN ACT RELATING TO THE COMPENSATION OF SHERIFF, DEPUTIES SHERIFF, CLERK OF THE SUPERIOR COURT, AND REGISTER OF DEEDS IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Alexander County is authorized and empowered to collect and retain for his own use and benefit an arrest fee of three dollars ($3.00) and he shall be entitled to collect and retain for his own use the following fees in civil and criminal cases: Schedule of certain fees of Sheriff of Alexander County.

For arrest fees for State Warrants	$ 3.00
For arrest fees for Capias	3.00
Fees for Ejectment Proceedings	3.00
Fees for Service of Executions on Civil Judgments	3.00
Fees for Claim and Delivery:	
Serving Summons	2.00
Taking of Property	2.00
Serving Civil Summons	2.00
Subpoena for each person	1.00
Witness Fee	1.00
For each illicit distillery seized	10.00
For every man apprehended at a still	25.00
For each automobile caught transporting non-tax paid liquor or over legal amount of tax paid liquor	25.00
For each man apprehended in a car transporting non-tax paid liquor or over legal amount of tax paid liquor	25.00

SEC. 2. The Board of Commissioners of Alexander County is authorized, empowered, and directed to pay to deputies, appointed by the Sheriff of Alexander County, such salaries and allowances as requested by the Sheriff of Alexander County, *provided however* that the amount of such salaries and allowances do not exceed the following: Salaries and allowances of deputies sheriff.

For a Chief Deputy	$100.00

Chief Deputy; salary limitation.

a month plus an allowance for the full time use of an automobile of $50.00 a month plus the fees which he is now entitled to collect and retain for his own use and benefit.

Three additional deputies; salary limitations.

For three additional deputies ..... $50.00 a month in addition to the fees which he is now entitled to collect and retain for their own use and benefit for each deputy.

Salary of Clerk of Superior Court.

Salary of Register of Deeds.

Allowances for clerical assistance for said officials.

SEC. 3. The Board of Commissioners of Alexander County is authorized and empowered to increase the salary of the Clerk of the Superior Court to twenty-one hundred dollars ($2,100.00) a year and to pay the register of deeds of said county a salary of twenty-four hundred dollars ($2,400.00) a year. Said board of commissioners is authorized to allow the sheriff, the Clerk of the Superior Court, and the register of deeds the sum of one hundred dollars ($100.00) a month for clerical or stenographic help in the office of each of said officials.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 856 CHAPTER 746

AN ACT PROVIDING FOR REASSESSMENT OF PROPERTY FOR TAXATION IN ALEXANDER COUNTY IN THE YEAR 1948.

Preamble:

No reassessments of property in Alexander County since 1933.

WHEREAS, property has not been reassessed in Alexander County since 1933: *Now, therefore,*

The General Assembly of North Carolina do enact:

Provision for revaluation and reassessment of property for taxation, Alexander County.

SECTION 1. That the Board of County Commissioners of Alexander County are empowered, authorized and directed to cause to be made a revaluation, re-assessment and listing of all real and personal property, subject to taxation, in Alexander County for ad valorem tax purposes in the year 1948 and that all property, real and personal, be re-assessed, revalued and listed in Alexander County in said year.

Appointment of personnel for making revaluation.

SEC. 2. That the Board of County Commissioners of Alexander County at its regular meeting on the first Monday in December, 1947, shall appoint the necessary personnel, for the purpose of carrying out the re-assessment and revaluation and listing as authorized and directed by this Act, or as soon thereafter as practicable.

Application of G.S., Ch. 105, as to procedure, etc.

SEC. 3. That the procedure, details, plans and methods of carrying out said revaluation, re-assessment and listing of real and personal property, subject to taxation in Alexander County, under this Act, together with the appointment of necessary personnel, under this Act, shall be as found and set forth in Chapter 105, entitled, Taxation, of the General Statutes of North Carolina.

Powers and duties of Board of County Commissioners and revaluation personnel.

SEC. 4. That the board of county commissioners, and the personnel appointed by them shall have and are hereby vested with all the power and authority and charged with all the duties given to and conferred upon such persons and boards on regular quadrennial assessment years as provided for and set forth in Chapter 105 of the General Statutes of North Carolina, and all amendments thereto, in the same manner as if this re-assessment, revaluation and listing was being made and carried out on a regular quadrennial assessment year as provided for in said General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 6. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 861 CHAPTER 747

AN ACT TO FIX THE COMPENSATION OF THE CORONER OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Coroner, Sampson County.

SECTION 1. That the Coroner of Sampson County shall receive the following compensation, payable from the general fund of said county:

For preliminary investigation, when no inquest held.

(1) For making any preliminary investigation concerning a death as required by law, when no inquest is held, not less than ten dollars ($10.00) nor more than fifteen dollars ($15.00), to be determined by the board of county commissioners;

For holding inquest or hearing, with jury.

(2) For holding an inquest or hearing with his jury concerning a death as required by law, not less than fifteen dollars ($15.00) nor more than twenty-five dollars ($25.00), to be determined by the board of county commissioners:

Entitled to one fee only when one inquiry involves several bodies.

Provided, that where one inquiry is held over the bodies of several persons who were killed by the same cause, the coroner shall be entitled to fees as in only one case.

Application of G.S. § 152-5.

SEC. 2. That the provisions of Section 152-5 of the General Statutes of North Carolina not in conflict with this Act shall continue to apply to Sampson County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 865 CHAPTER 748

AN ACT TO AMEND CHAPTER 76, OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943 SO AS TO CREATE THE MOREHEAD CITY NAVIGATION AND PILOTAGE COMMISSION AND TO PRESCRIBE ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

G.S., Ch. 76, amended.

SECTION 1. That Chapter 76 of the General Statutes of North Carolina 1943, be, and the same is hereby amended by adding a new Article to follow Article 5 to be numbered Article 6 to read as follows:

Creation of Morehead City Board of Commissioners of Navigation and Pilotage.

76-59 Board of Commissioners of Navigation and Pilotage. A board of commissioners of navigation and pilotage for Old Topsail Inlet and Beaufort Bar to consist of three members, none of whom shall be licensed pilots, is hereby created. The members of the board shall be appointed by the Morehead City Port Commission, and their terms of office shall begin on the 15th day of July of the year in which they are appointed and

Appointment and terms of members.

continue for four years and until their successors shall be appointed and qualified. They shall be and are hereby declared to be commissioners for a special purpose, within the purview of Section 7, Article 14 of the Constitution of North Carolina. It shall be the duty of the Morehead City Port Commission to appoint, on or before the 1st day of July, 1947, and on or before the 1st day of July every fourth year thereafter, the members of said board of commissioners. A majority of the board shall constitute a quorum and may act in all cases. The board shall have power to fill vacancies in its membership as they occur during their term, to appoint a clerk to record in a book, rules, orders and proceedings of the board, and the board shall have authority in all matters that may concern the navigation of waters from the Beaufort Sea Buoy to Morehead City, and out of the bar and inlet.

Quorum.

Vacancies filled.

Powers of Board.

76-60 Rules to Regulate Pilotage Service. The board shall from time to time make and establish such rules and regulations respecting the qualifications, arrangements, and station of pilots as to them shall seem most advisable, and shall impose such reasonable fines, forfeitures and penalties as may be prescribed for the purpose of enforcing the execution of such rules and regulations. The board shall also have power and authority to prescribe, reduce and limit the number of pilots necessary to maintain an efficient pilotage service for Old Topsail Inlet and Beaufort Bar, as in its discretion may be necessary:

Rules and regulations as to pilots.

Fines and penalties.

Limitation of number of pilots.

Provided, that the present number of two pilots now actively engaged in the service shall not be reduced except for cause or by resignation, disability, or death. The board shall have power and authority to organize all pilots licensed by it into a mutual association, under such reasonable rules and regulations as the board may prescribe; any licensed pilot refusing to become a member of such association shall be subject to suspension, or to have his license revoked, at the discretion of the board.

Effect on present, active pilots.

Organization of pilots into mutual association.

76-61 Examination and Licensing of Pilots. The board, or a majority of them, may from time to time examine, or cause to be examined, such persons as may offer themselves to be pilots for Old Topsail Inlet and Beaufort Bar, and shall give to such as are approved commissions under their hands and the seal of the board, to act as pilots for Old Topsail Inlet and Beaufort Bar; and the number of pilots so commissioned, not exceeding three at any one time, shall be left to the discretion of the board, but the limitation as to number herein shall not deprive the board of the power to issue license to any person who is duly licensed pilot at the time of the passage of this Article.

Examination and licensing of pilots.

Appointment and regulation of apprentices.

76-62 Appointment and Regulation of Pilots' Apprentices. The board is hereby authorized to appoint in its discretion apprentices, and to make and enforce reasonable rules and regulations relating to apprentices. No apprentice shall be required to serve for a longer period than three years in order to obtain a license to pilot vessels of a draught of not exceeding fifteen feet, and one year thereafter for a license to pilot vessels of any draught. No one shall be entered as an apprentice who is under the age of 21 years, nor shall the board license a pilot except upon written approval of two licensed pilots.

Renewal of licenses; fees.

76-62 Renewal of License; License Fee. All licenses shall be renewed annually upon payment of a fee of five dollars ($5.00); *provided,* the holder of such license shall have, during the year preceding the date of such renewal, complied with the provisions of this Article and the reasonable rules and regulations prescribed by the board under authority hereof.

Provision of funds for expenses of Board.

76-63 Expenses of the Board. Each pilot, or the association of pilots, when organized as in this Article provided, shall pay over to the board under such reasonable rules as the board shall prescribe two per cent (2%) of each and every pilotage fee received, for the purpose of providing funds to defray the necessary expenses of the board.

Pilots required to give bond.

76-64 Pilots to Give Bond. Every person before being commissioned as a pilot shall give bond for the faithful performance of his duties, with two or more personal sureties or a bond in some surety company licensed to do business in North Carolina payable to the State of North Carolina in the sum of five hundred ($500.00) dollars; the board may, from time to time, and as often as it may deem necessary, enlarge the penalty of the bond, or require new or additional bonds to be given in a sum or sums not to exceed in all, one thousand ($1,000.00) dollars. Every bond taken of a pilot shall be filed with and preserved by the board, in trust for every person, firm, or corporation, who shall be injured by the neglect or misconduct of such pilots, and any person, firm, or corporation, so injured may severally bring suit for the damage by each one sustained.

Amount.

Increase of bond penalty.

Purpose of bond.

Board empowered to grant permits to serve as pilots on steamers.

76-65 Permission to run as Pilots on Steamers; Other Ports. The board shall have power to grant permission in writing to any pilot in good standing and authorized to pilot vessels, to run regularly as pilots on steamers running between Old Topsail Inlet and Beaufort Bar, and the Port of Morehead City, and other ports of the United States, under such rules and regulations as the board shall prescribe.

Cancellation of licenses.

76-66 Cancellation of Licenses. The board shall have the power to call in and cancel the license of any pilot who has refused or neglected, except in case of sickness, his duty as a pilot. Any pilot who has been absent from the State for a longer period than six months in succession shall, upon his return, surrender his license to the board, or the board may declare the same void, except when such absence has been under permission from the board as provided above.

Jurisdiction of board members over disputes as to pilotage.

Issuance of warrants for recovery of penalties, etc.

76-67 Jurisdiction over Disputes as to Pilotage. Each member of the board shall have power and authority to hear and dtermine any matter of dispute between any pilot and any master of a vessel, or between pilots themselves, respecting the pilotage of any vessel and any one of them may issue a warrant against any pilot for the recovery of any demand which one pilot may have against another, relative to pilotage, and for the recovery of any forfeiture or penalty provided by law, relating to pilotage in Old Topsail Inlet and Beaufort Bar, or provided by any by-law or rule or regulation enacted by the board by virtue of any such law, which warrant the sheriff or any constable in Carteret County, shall execute together with any other process authorized by this Article. On any warrant issued as herein provided any one of said commissioners may give judgment for any sum not exceeding five hundred ($500.00) dollars, and may issue execution thereon, in like manner as is provided for the issuing of execution of judgments rendered by justices of the peace, which writ of execution shall be executed agreeably to the law regulating the levy and sale under executions issuing from courts of justices of the peace. Any member of the board shall have authority to issue summons for witnesses and to administer oaths, and hearings before any member of the board and any matters as provided in this Section shall conform as nearly as may be to procedure provided by law in the courts of justices of the peace. From any judgment rendered by any member of the board, either party shall have the right of appeal to the Superior Court of Carteret County, in like manner as is provided for appeals on judgments of justices of the peace.

Authority to give judgment and issue executions.

Powers relating to conduct of hearings.

Appeal to Superior Court.

Retirement of pilots from active service.

76-68 Retirement of Pilots from Active Service. The board shall have and is hereby given authority in its discretion, and under such reasonable rules and regulations as it may prescribe, to retire from active service any pilot who shall become physically or mentally unfit to perform his duties as pilot, and to provide for such pilot or pilots so retired such compensation as the board shall deem proper:

Examination of pilots as to physical or mental disability.

Provided, however, that no pilot shall be retired, for physical or mental disability, unless and until such pilot shall have first

been examined by the Public Health Officer or County Physician of Carteret County, and such public health officer or physician shall have certified, either separately or jointly, to the board the fact of such physical or mental disability.

Licensed pilot required on certain runs.

76-69 When Employment Compulsory: Rates of Pilotage. All vessels, coastwise or foreign, over 60 gross tons, shall on and after the 1st day of August, 1947, take a state licensed pilot from Beaufort Sea Buoy to Morehead City and from Morehead City to sea, and the rates of pilotage shall be such as may be prescribed from time to time by the board of commissioners.

Pilotage rates.

Vessels calling at the port solely for the purpose of obtaining bunkers shall pay one-half of the fees prescribed by the said board.

Pay for detention of pilots.

76-70 Pay for Detention of Pilots. Every master of a vessel who shall detain a pilot at the time appointed so that he cannot proceed to sea, though wind and weather permit, shall pay such pilot ten dollars $10.00) per day during the time of his actual detention, the pilot shall have due notice from the master or agent of said vessel.

Vessels not liable for pilotage.

76-71 Vessels not Liable for Pilotage. Any vessel coming into Morehead City from sea without assistance of a pilot, the wind and weather being such that such assistance or service could not have been reasonably given, shall not be liable for pilotage inward from sea, and shall be at liberty to depart without payment of any pilotage, unless the service of a pilot be secured.

Priority rights to pilotage fees as between pilots.

76-72 First Pilot to Speak Vessel to get Fees. The first licensed pilot speaking a vessel from a regularly numbered pilot boat of this board shall be entitled to the pilotage fees over Old Topsail Inlet and Beaufort Bar to Morehead City, and out to sea again:

Provided, said pilot shall be ready and willing to serve as pilot when the vessel is ready to depart, due notice having been given by the master or agent to said pilot.

Exemption of certain vessels.

76-73 Vessels Entering for Harborage Exempt. Any vessel coming in from sea for harbor shall not be required to take a pilot either from sea inward or back to sea.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 872 **CHAPTER 749**

AN ACT TO AMEND CHAPTER 939 OF THE SESSION LAWS OF 1945, RELATING TO THE SALARIES OF THE SHERIFF, THE CLERK OF SUPERIOR COURT, THE REGISTER OF DEEDS, AND COUNTY ACCOUNTANT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 939, Session Laws, 1945, amended.

SECTION 1. Chapter 939 of the Session Laws of 1945 is hereby amended by rewriting Section 1 thereof so as to read as follows:

Salary of Sheriff, Anson County.

Section 1. In lieu of all other fees, commissions and compensation of every kind and nature, with the exception of such increased salary as may be paid to the Sheriff of Anson County under the provisions of an Act of the 1947 Session of the General Assembly of North Carolina, assigning to such sheriff the supervision of the rural police force of Anson County, the Sheriff of Anson County shall receive a salary of four thousand dollars ($4,000.00) per year, to be paid out of the general fund of the county in equal monthly instalments. The county shall pay for all office supplies and equipment and furnish the necessary clerical help, the salary of which shall be fixed by the board of county commissioners. The Sheriff of Anson County shall continue to collect all fees, commissions, executions, fines, turnkey jail fees, all types of fees in justice of the peace courts, and all other fees, commissions and allowances of every kind and nature received by him by virtue of his office, and shall turn the same over to the county auditor. The sheriff shall be allowed expenses for travel of six hundred dollars ($600.00) per year, as provided in Section 3, Chapter 426 of the Public-Local Laws of 1939.

Office expenses and clerical help.

Fees, commissions, etc. of Sheriff payable to county auditor.

Travel expenses.

Ch. 939, amended further.

SEC. 2. Chapter 939 of the Session Laws of 1945 is hereby amended by rewriting Section 2 thereof so as to read as follows:

Salary of Clerk of Superior Court, Anson County.

SECTION 2. In lieu of all other fees and commissions of every kind and nature, except fees or commissions as receiver, the Clerk of the Superior Court of Anson County shall receive and be paid a salary of four thousand dollars ($4,000.00) per year as clerk of said court, and shall receive and be paid a salary of six hundred dollars ($600.00) per year as Clerk Ex Officio

of the Anson County Criminal Court, and shall receive and be paid a salary of four hundred dollars ($400.00) per year as juvenile judge, all to be paid out of the general fund of the county in equal monthly instalments. The county shall pay for all office supplies, equipment, et cetera, and furnish the necessary clerical help, the salary of which shall be fixed by the board of county commissioners. The Clerk of the Superior Court of Anson County shall continue to collect all fees, commissions, et cetera, now allowed by law and shall turn the same over to the county auditor, except fees or commissions as receiver.

Office expenses and clerical help.

Fees, commissions, etc., payable to county auditor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 873 CHAPTER 750

AN ACT FIXING FEES OF JURORS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

G.S. § 9-5, amended, as to fees of jurors and grand jurors, Anson County.

SECTION 1. Section 9-5 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

Provided, that in Anson County all regular and grand jurors of the Superior Court shall receive a per diem of four dollars ($4.00), with mileage at the rate of five cents (5c) per mile for each trip to and from their respective residences for attendance upon court, such mileage to be figured over the usual route of public travel.

Travel allowances.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 874 CHAPTER 751

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Chairman, Board of Commissioners, Anson County.

SECTION 1. That the Chairman of the Board of Commissioners of Anson County shall receive, in full compensatilon for the performance of his duties as chairman, a salary of fifty dollars ($50.00) per month.

Compensation of other members.

Each member of the Board of County Commissioners of Anson County, other than the chairman, shall receive, in full compensation for the performance of his duties as county commissioner, a salary of twenty-five dollars ($25.00) per month.

Effective date.

SEC. 2. That the salaries herein provided for shall not become effective or begin to accrue until the first day of July, 1947.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 880 CHAPTER 752

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Franklin County Commissioners authorized to increase salaries of Register of Deeds, Auditor, and Tax Collector.

SECTION 1. Authority is hereby conferred upon and vested in the Board of Commissioners of Franklin County to fix, determine, and allow an increase of salary of the Register of Deeds, of the County Auditor, and the County Tax Collector of said Franklin County; and when, after appropriate resolutions by the said board of commissioners, such salary increase shall have been allowed, such allowance shall have the same validity and effect as though directly fixed by legislative enactment: *Provided, however,* that no increased allowance shall be made that shall make the total salary of the said register of deeds or county auditor more than twenty seven hundred dollars ($2,700.00) a year; *Provided, further,* that no increased allowance

Limitations.

shall be made that shall make the total salary of the said county tax collector more than two thousand four hundred dollars ($2,400.00) a year.

Conflicting laws repealed.

SEC. 2. That any and all laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That the provisions of this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 894 CHAPTER 753

AN ACT PROVIDING FOR MILEAGE FOR JURORS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Travel allowances for jurors, Caswell County.

SECTION 1. The Board of County Commissioners in Caswell County are authorized to pay the jurors five cents (5c) per mile for travel to and from their homes to the county seat for each day they are required to attend court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 895 CHAPTER 754

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Chairman of Board of Commissioners, Swain County.

SECTION 1. The Chairman of the Board of County Commissioners of Swain County shall be paid for his services as such chairman the sum of ten dollars ($10.00) per day for not more than six days in any one month when actually engaged in the performance of his duties as such chairman.

SEC. 2. The Members of the Board of County Commissioners of Swain County, other than the chairman, shall be paid for their services as members of said board the sum of ten dollars ($10.00) per day for not more than two days in any one month when actually engaged in the performance of their duties as members of such board. Compensation of other members.

SEC. 3. In addition to the compensation provided for in Sections 1 and 2 of this Act, the chairman and other members of the board of county commissioners shall receive a travel allowance of six cents (6c) per mile in going to and from their homes in performance of their duties, computed over the usual route of travel, not exceeding two round trips per month. Travel allowances.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 896 CHAPTER 755

AN ACT TO AMEND SECTION 162-7 OF THE GENERAL STATUTES BY FIXING THE FEES OF THE SHERIFF OF BERTIE COUNTY FOR SERVING CIVIL SUMMONS AND OTHER PROCESSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 162-7 of the General Statutes is hereby amended by adding at the end thereof the following: G.S. § 162-7, amended.

The Sheriff of Bertie County shall collect for the use of Bertie County the following fees: Fees of Sheriff, Bertie County, for serving civil summons, notices, subpoenas.

Serving summons in civil actions or special proceedings and serving all civil notices and citations, one dollar ($1.00) for each defendant, or person, firm or corporation served.

Serving subpoena, fifty cents (50c) for each person.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first day of July, 1947. Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 897 **CHAPTER 756**

AN ACT TO PROVIDE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Bertie County.

SECTION 1. The Sheriff of Bertie County shall receive a salary which shall be fixed by the Board of County Commissioners of Bertie County, in its discretion, in an amount of not less than two thousand five hundred dollars ($2,500.00) and not more than four thousand dollars ($4,000.00) per year, and no other compensation whatsoever, except the following, which he shall be entitled to receive: such fees or other compensation as may be authorized for the seizure or destruction of illicit stills, rewards for criminals fleeing from justice, five cents (5c) per mile for conveying prisoners to or from jail in other counties and to the State's prison, five cents (5c) per mile for conveying persons or patients committed to State institutions or hospitals, and such other travel allowances and expenses as the board of county commissioners may deem necessary and proper.

Additional fees and compensation.

Travel expense.

Salary of Register of Deeds.

SEC. 2. The Register of Deeds of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of said county, in its discretion, in an amount of not less than two thousand five hundred dollars ($2,500.00) and not more than four thousand dollars ($4,000.00) per year.

Salary of Tax Collector.

SEC. 3. The Tax Collector of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of said county, in its discretion, in an amount of not less than two thousand five hundred dollars ($2,500.00) and not more than four thousand dollars ($4,000.00) per year, and such travel and expense allowances as the board of county commissioners may deem necessary and proper.

Travel and other expenses.

Salary of Clerk of Superior Court.

SEC. 4. The Clerk of the Superior Court of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of said county, in its discretion, in an amount of not less than two thousand five hundred dollars ($2,500.00) and not more than four thousand dollars ($4,000.00) per year, and any other compensation to which he may be entitled as executor named in any will and any other compensation which may be allowed to him by the Superior Court or any other court, other than by his own decision as Clerk, for services rendered as referee or receiver or trustee.

Other compensation.

Salary of Treasurer.

SEC. 5. The Treasurer of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of

said county, in its discretion, in an amount of not less than one thousand five hundred dollars ($1,500.00) and not more than two thousand five hundred dollars ($2,500.00) per year.

Salary of Judge of Recorder's Court, Bertie County.

SEC. 6. The Judge of the Recorder's Court of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of said county, in its discretion, in an amount of not less than one thousand two hundred ($1,200.00) and not more than two thousand dollars ($2,000.00) per year.

Salary of Prosecuting Attorney, Recorder's Court.

SEC. 7. The Prosecuting Attorney of the Recorder's Court of Bertie County shall receive a salary which shall be fixed by the board of county commissioners of said county, in its discretion, in an amount of not less than one thousand dollars ($1,000.00) and not more than one thousand five hundred dollars ($1,500.00) per year.

Salary of Coroner.

SEC. 8. The Coroner of Bertie County shall receive a salary or other compensation which shall be fixed by the board of county commissioners of said county, in its discretion.

Salaries of other officers and employees, Bertie County.

SEC. 9. The Board of County Commissioners of Bertie County shall fix, in its discretion, and pay the salaries and such travel and expense allowances as they may deem necessary and proper for the county accountant, tax supervisor, clerk to the board of county commissioners, sheriff for the recorder's court, clerk for the recorder's court, judge of the juvenile court and any other office, not in this Act specifically referred to, which is or may be authorized and necessary for the proper functioning of the government of Bertie County; and for the deputy or deputies or assistant for the sheriff, register of deeds, tax collector, Clerk of the Superior Court, clerk of the recorder's court, and county treasurer, and for such clerical employees as may be required to discharge the duties of said offices.

Payments on travel and other expenses of Superintendent of Public Instruction by County Commissioners.

SEC. 10. The Board of County Commissioners of Bertie County is empowered, in its discretion, to fix and pay such sums as it may deem necessary and proper upon the travel and other expenses for the Superintendent of Public Welfare of Bertie County and the personnel of that office.

Payment of certain salaries and allowances, validated.

SEC. 11. All salaries and all travel and expense allowances which have been heretofore paid by the Board of County Commissioners of Bertie County within the limits defined in this Act are hereby ratified and validated.

Collection of fees, commissions, etc.; payment into general fund.

SEC. 12. All fees, commissions, profits and emoluments of any kind, excluding only those specifically excepted in this Act, which are now or may be hereafter allowed by the general laws of North Carolina to the same or similar offices, shall be faithfully collected by the aforesaid sheriff, register of deeds, tax collector, Clerk of the Superior Court, clerk of the recorder's

court, and county treasurer, and by them paid over to the county treasurer on the last day of each month and credited to the general fund.

Payment of salaries in monthly installments.

SEC. 13. The salaries herein provided for shall be paid monthly by the county treasurer upon warrants issued by order of the board of county commissioners.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Partial invalidity provision.

SEC. 15. If any part of this Act shall be declared unconstitutional, it shall not affect any other part of the Act.

SEC. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 898 CHAPTER 757

AN ACT TO FIX THE FEES FOR THE RECORDING AGRICULTURAL LIENS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Fees for recording agricultural liens, Bertie County.

Fees of C.S.C.

SECTION 1. The fees for registering and recording all forms of agricultural liens in Bertie County shall be computed and collected at the same rate as is now prescribed for the registration of deeds, mortgage deeds, and deeds of trust; and the fee therefor to the Clerk of the Superior Court shall be twenty-five cents (25c) for each instrument registered.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 910 **CHAPTER 758**

AN ACT TO ESTABLISH FEES FOR THE SHERIFF OF PITT COUNTY FOR SERVICE OF PROCESS AND OTHER FUNCTIONS OF HIS OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. The following schedule of fees shall constitute the fee that the Sheriff of Pitt County shall collect and account for in accordance with the Act establishing his office on a salary basis:

Schedule of fees of Sheriff, Pitt County.

(a) Executing summons or any other writ or notice, seventy-five cents (75c); *provided*, that when the summons or any other writ or notice shall have issued from any court outside Pitt County, the fee shall be one dollar ($1.00) for each person to be served.

Executing summons.

(b) Arrest of a defendant in a civil action and taking bail, including attendance to justify, and all services connected therewith, one dollar ($1.00).

Arrest of defendant in civil cases.

(c) Arrest of a person indicted, including all services connected with the taking and justification of bail, one dollar fifty cents ($1.50).

Arrest of persons indicted.

(d) Arrest of any juvenile person, under a warrant from any juvenile court, the sum of one dollar ($1.00).

Arrest of juveniles.

(e) Executing any instanter capias the sum of one dollar fifty cents ($1.50).

Executing instanter capias.

(f) Imprisonment of any person in a civil or criminal action, thirty cents (30c); and release from prison, thirty cents (30c).

Imprisonments; releases.

(g) Executing subpoena on a witness, forty cents (40c); executing subpoena duces tecum on a witness, fifty-five cents (55c).

Executing subpoenas.

(h) Conveying a prisoner to jail to another county, five cents (5c) per mile.

Conveying prisoner to jail to another county.

(i) For prisoner's guard, if any necessary, and approved by the county commissioners, going and returning, per mile for each, five cents (5c).

Furnishing prisoner's guard.

(j) Expense of guard and all other expenses of conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before a court or justice of the peace in another county, or in going to another county for a prisoner, to be taxed in the bill of costs and allowed by the board of commissioners of the county in which the criminal proceedings were instituted.

Expense of conveying prisoners from place to place, taxed in bill of costs.

Allotment of widow's allowance.

(k) For allotment of widow's year's allowance, one dollar ($1.00).

Serving papers, taking property, in claim and delivery.

(l) In claim and delivery for serving the original papers in such case, seventy-five cents (75c), and for taking the property claimed, one dollar ($1.00), with the actual cost of keeping the same until discharged by law, to be paid on the affidavit of the returning officer.

Conveying prisoners to penitentiary.

(m) For conveying prisoners to the penitentiary, two dollars ($2.00) per day and actual necessary expenses; also one dollar ($1.00) a day and actual necessary expenses for each guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the Clerk of the Superior Court of Pitt County shall swear to be necessary for the safe conveyance of the convicts, to be paid, by the board of commissioners of the county in which the criminal proceedings were instituted.

Collecting fines and costs from convict.

(n) Collecting fine and costs from convict, two and a half per cent (2½%) on the amount collected.

Collecting executions for money, civil actions.

(o) Collecting executions for money in civil actions, two and a half per cent (2½%) on the amount collected; and the like commissions for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff.

Advertising sale of property under execution.

(p) Advertising a sale of property under execution at each public place required, fifteen cents (15c).

Seizing property under court order.

(q) Seizing specific property under order of a court, or executing any other order of a court or judge, not specially provided for, to be allowed by the judge or court.

Taking bond.

(r) Taking any bond or undertaking, including furnishing the blanks, fifty cents (50c).

Expense of keeping seized property.

(s) The actual expense of keeping all property seized under process or order of court, to be allowed by the court on the affidavit of the officer in charge.

Summoning jury, lunacy, etc., proceedings.

(t) Summoning a jury, for an inquisition of lunacy or such other similar type of proceeding requiring a jury, for each man summoned, sixty cents (60c).

Serving writ or other process with aid of county.

(u) For serving any writ or other process with the aid of the county, a fee of one dollar ($1.00), and the expense necessarily incurred thereby, to be adjudged by the county commissioners, and taxed as other costs.

Certain fees paid to printers.

(v) All just fees paid to any printer for any advertisement required by law to be printed.

(w) Bringing up a prisoner upon habeas corpus, to testify or answer to any court or before any judge, one dollar ($1.00), and all actual and necessary expenses for such services, and five cents (5c) per mile by the route most usually traveled, and all expenses for any guard actually employed and necessary. Bringing up prisoner upon habeas corpus.

(x) For summoning and qualifying appraisers, and for performing all duties in laying off homesteads and personal property exemptions, or either, two dollars ($2.00), to be included in the bill of costs. Summoning appraisers, and other duties, in laying off homesteads, etc.

(y) For levying an attachment, one dollar ($1.00). Levying attachment.

(z) For attendance to qualify jurors to lay off dower, or commissioners to lay off year's allowance, one dollar ($1.00); and for attendance, to qualify commissioners for any other purpose, seventy-five cents (75c). Attendance to qualify jurors in dower and other proceedings.

(aa) Executing a deed for land or any interest in land sold under execution, one dollar ($1.00), to be paid by the purchaser. Executing deed for land sold under execution.

(bb) Service of writ of ejectment, one dollar ($1.00). Service of writ of ejectment.

(cc) For every execution, either in civil or criminal cases, fifty cents (50c). Civil and criminal executions.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 911 CHAPTER 759

AN ACT TO AMEND GENERAL STATUTES 7-91 RELATING TO COMPENSATION OF THE OFFICIAL COURT REPORTER IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 7-91 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following: G.S. § 7-91, amended.

Provided, that in Pitt County the compensation of the official court reporter shall be fixed and determined by the Resident Judge of the Fifth Judicial District, in the exercise of his discretion, such compensation not in any event to exceed thirteen dollars ($13.00) per day. Compensation of official court reporter, Pitt County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 916 CHAPTER 760

AN ACT TO AMEND CHAPTER 140 OF THE PUBLIC-LOCAL LAWS OF 1941, AS AMENDED, RELATING TO SPECIAL TAX LEVIES IN PENDER COUNTY SO AS TO PROVIDE FOR THE EMPLOYMENT OF A COUNTY LIBRARIAN.

The General Assembly of North Carolina do enact:

Ch. 140, Public-Local Laws, 1941, amended.

SECTION 1. Chapter 140 of the Public-Local Laws of 1941, as amended, is hereby further amended by adding the following paragraph at the end of Section 2 thereof:

Special tax levy for salary of county librarian, Pender County.

The Board of County Commissioners of Pender County is further authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of a county librarian, in such an amount as the county commissioners may deem appropriate, together with the necessary expense incident to the performance of the duties of such librarian.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 918 CHAPTER 761

AN ACT RELATING TO SALARIES OF THE SHERIFF AND DEPUTY SHERIFFS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Buncombe County.

SECTION 1. The Sheriff of Buncombe County shall receive for his services the sum of forty-eight hundred dollars ($4,800.00) per annum, payable in equal monthly installments.

Deputies sheriff required to be on duty at all times, Buncombe County Jail.

SEC. 2. The Sheriff of Buncombe County shall keep one deputy on duty at all times in the male division of the Buncombe County Jail and one deputy on duty at all times in the female division of said jail, each of whom shall be on duty for a period of not less than eight hours a day; and they shall be paid the sum of one hundred and fifty dollars ($150.00) per month.

Compensation

Deputy on desk duty, Sheriff's office, at all times, required; compensation.

SEC. 3. The Sheriff of Buncombe County shall keep one deputy on desk duty in the sheriff's office at all times who shall work not less than eight hours a day and said deputies shall be paid the sum of one hundred and ninety dollars ($190.00) per month.

Appointment of other deputies sheriff for outside duty.

SEC. 4. In addition to the above personnel, the Sheriff of Buncombe County shall be authorized to appoint such other deputy sheriffs for duty outside the office as are now authorized by law, who shall be on duty not less than eight hours per day and subject to call at any time, and who shall work such shifts as said sheriff shall arrange and who shall be paid the sum of one hundred and ninety dollars ($190.00) per month.

Compensation.

Appointment of chief deputy sheriff.

SEC. 5. In addition to the deputies hereinbefore provided, the Sheriff of Buncombe County may appoint a chief deputy sheriff who shall be paid the sum of two hundred and forty dollars $240.00) per month.

Compensation.

Designation of night shift; extra compensation.

SEC. 6. The Sheriff of Buncombe County may designate one shift as provided in Section 3 hereof as the night shift and personnel employed hereunder on said night shift shall receive ten dollars ($10.00) per month in addition to the compensation hereinbefore provided as extra pay for said night duty; and personnel on patrol or on assignment outside of the said sheriff's office at nighttime shall be furnished proper uniforms as a means of identification.

Uniforms for personnel on outside duty at night.

Provision for automobiles and other equipment for sheriff's department.

SEC. 7. The Board of County Commissioners of Buncombe County shall furnish the sheriff's department such automobiles, motorcycles, or automotive equipment as it may deem necessary for the proper operation of said department and for the proficient performance of all duties in connection with the enforcement of the civil and criminal laws, and said board shall provide for the maintenance and upkeep of said automobiles, motorcycles and automotive equipment, and for the protection of the public shall provide liability insurance; no employee of the shreiff's department shall be required to use a privately owned vehicle in the performance of his duties with said sheriff's department, nor shall he receive any compensation other than herein provided; nor shall any employee or deputy

Use of private automobiles not required.

Use of official automobiles, etc. for private purposes, prohibited.

sheriff use any automobile, motorcycle or automotive equipment furnished by said board of commissioners for personal transportation or private use.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 926 CHAPTER 762

AN ACT TO FIX THE COMPENSATION OF THE JUDGE AND THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 303, Session Laws, 1945, amended.

SECTION 1. That Section 2 of Chapter 303 of the Session Laws of 1945 be, and the same is hereby, amended to read as follows:

Compensation of Judge of Recorder's Court, Union County.

SEC. 2. That the Board of County Commissioners of Union County shall be authorized to fix the compensation for the judge of the recorder's court at a sum of not less than one hundred twenty-five dollars ($125.00) per month and not more than the sum of one hundred fifty dollars ($150.00) per month, and

Compensation of Prosecuting Attorney.

shall fix the compensation for the prosecuting attorney of the recorder's court at a sum of not less than one hundred twenty-five dollars ($125.00) per month and not more than one hundred fifty dollars ($150.00) per month, payable monthly from the general fund of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 929 **CHAPTER 763**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF POLKTON, IN THE COUNTY OF ANSON, RELATING TO THE ELECTION OF OFFICERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 3, Chapter 158, Private Laws of 1874-'75, entitled "An Act to incorporate the Town of Polkton in the County of Anson," be and the same is hereby repealed and the following substituted in lieu thereof:

Ch. 158, Private Laws, 1874-75, amended.

SEC. 3. The officers of said town shall consist of mayor and five commissioners, and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday after the first Monday in May, 1947, and have qualified.

Officers of Town of Polkton.

Incumbents continued in office.

SEC. 2. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and biennially thereafter, and shall be conducted in accordance with the general municipal election laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Election of Mayor and Commissioners.

SEC. 3. Any person desiring to become a candidate for the office of mayor or commissioner of the Town of Polkton, shall, at least ten days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

Notice of candidacy.

"STATE OF NORTH CAROLINA
TOWN OF POLKTON.

I, ..., hereby give notice that I reside in the Town of Polkton; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

Form of notice.

....."

Witness: Signature

.....

SEC. 4. Candidates for mayor of said town shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fees shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing

Filing fees.

such statement and paying the required fee shall be entitled to have his name printed on the official ballot.

Determination of election results.

SEC. 5. The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of said town.

Appointment of Chief of Police and other officers.

SEC. 6. The chief of police and other appointive officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town of such positions.

Authority of police officers extended under hot pursuit doctrine.

SEC. 7. The police officers of the Town of Polkton shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offense within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offenses and such officers.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws relating to the election of officials of the Town of Polkton and the appointment of enforcement officers in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 930 CHAPTER 764

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LILESVILLE, IN ANSON COUNTY, RELATING TO ELECTION OF MUNICIPAL OFFICIALS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 130, Private Laws, 1897, amended.

SECTION 1. That Sections 3, 4, 5, 6, 7, 8, 9 and 10 of Chapter 130, Private Laws of 1897, which is "An Act to amend and consolidate the Acts incorporating the Town of Lilesville," be and the same are hereby repealed and the following substituted in lieu thereof:

Officers of Town of Lilesville.

SEC. 3. The officers of said town shall consist of a major and five commissioners, and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday after the first Monday in May, 1947, and have qualified.

Incumbents continued in office.

Election of Mayor and Commissioners.

SEC. 4. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and biennially thereafter, and shall be conducted in accordance with the general municipal election laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Notice of candidacy.

SEC. 5. Any person desiring to become a candidate for the office of mayor or commissioner of the Town of Lilesville, shall, at least ten days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

Form of notice.

"STATE OF NORTH CAROLINA,
TOWN OF LILESVILLE.

I, ..., hereby give notice that I reside in the Town of Lilesville; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

Witness: ....."

..... Signature

Filing fees.

SEC. 6. Candidates for mayor of said town shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fee shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have his name printed on the official ballot.

Determination of election results.

SEC. 7. The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of said town.

Appointment of Chief of Police and other officers.

SEC. 8. The chief of police and other appointive officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town to such positions.

Authority of police officers extended under hot pursuit doctrine.

SEC. 9. The police officers of the Town of Lilesville shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offense within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offenses and such officers.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws relating to the election of town officials of the Town of Lilesville and the appointment of enforcement officers for said town in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 931 CHAPTER 765

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORVEN, IN THE COUNTY OF ANSON, RELATING TO THE ELECTION OF OFFICERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 71, Private Laws, 1897, amended.

SECTION 1. That Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Chapter 71, Private Laws of 1897, entitled "An Act to amend and consolidate the Acts incorporating the Town of Morven, Anson County," be and the same are hereby repealed and the following substituted in lieu thereof:

Officers of Town of Morven.

SEC. 3. The officers of said town shall consist of mayor and five commissioners, and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday after the first Monday in May, 1947, and have qualified.

Incumbents continued in office.

Election of Mayor and Commissioners.

SEC. 4. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and biannially thereafter, and shall be conducted in accordance with the General Municipal Election Laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Notice of candidacy.

SEC. 5. Any person desiring to become a candidate for the Office of Mayor or Commissioner of the Town of Morven, shall,

at least ten days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA,

TOWN OF MORVEN.

I, ..., hereby give notice that I reside in the Town of Morven; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office. Form of notice.

.....

Signature

Witness:

.....

SEC. 6. Candidates for mayor of said town shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fees shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have his name printed on the official ballot. Filing fees.

SEC. 7. The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of said town. Determination of election results.

SEC. 8. The chief of police and other appointive officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town to such positions. Appointment of Chief of Police and other officers.

SEC. 9. The police officers of the Town of Morven shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offense within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offenses and such officers. Authority of police officers extended under hot pursuit doctrine.

Eligibility requirements as to Mayor and Commissioners.

SEC. 10. That no person shall be eligible to the office of mayor or commissioner in said town unless he or she be a qualified voter therein.

Notification of candidates elected.

SEC. 11. That immediately after each election it shall be the duty of the town clerk to notify in writing the mayor and commissioners elect of their election.

Oath of office.

SEC. 12. That the mayor and commissioners elect shall, after having been notified by the town clerk, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law, before some official authorized to administer oaths.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws relating to the election of officials of the Town of Morven and the appointment of enforcement officers in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 932 CHAPTER 766

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PEACHLAND, IN ANSON COUNTY, RELATING TO THE ELECTION OF MUNICIPAL OFFICIALS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Ch. 344, Private Laws, 1905, amended, as to election of officials, Town of Peachland.

SECTION 1. That Section 2, Chapter 344, Private Laws of 1905, be and the same is hereby repealed.

SEC. 2. That Section 3, Chapter 344, Private Laws of 1905, be and the same is likewise hereby repealed.

Officers of Town of Peachland.

Incumbents continued in office.

SEC. 3. The officers of said town shall consist of mayor and five commissioners, and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday after the first Monday in May, 1947, and have qualified.

Election of Mayor and Commissioners.

SEC. 4. The election for mayor and commissioners shall be held on the first Tuesday after the first Monday in May and biennially thereafter, and shall be conducted in accordance with the general municipal election laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina.

Notice of candidacy.

SEC. 5. Any person desiring to become a candidate for the office of mayor or commissioner of the Town of Peachland, shall, at least ten days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA,
TOWN OF PEACHLAND.

Form of notice.

I, ..., hereby give notice that I reside in the Town of Peachland; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

.....
Signature

Witness:

.....

Filing fees.

SEC. 6. Candidates for mayor of said town shall pay at the time of the signing of said statement the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fees shall go to the towns' general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have his name printed on the official ballot.

Determination of election results.

SEC. 7. The candidate for mayor receiving the highest number of votes in the town election shall be declared to be elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of said town.

Appointment of Chief of Police and other officers.

SEC. 8. The chief of police and other appointed officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town to such positions.

Authority of police officers extended under hot pursuit doctrine.

SEC. 9. The police officers of the Town of Peachland shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offence within the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offences and such officers.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws relating to the election of officials of the Town of Peachland and the appointment of enforcement officers in conflict with this Act are hereby repealed.

SEC. 11. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 935 CHAPTER 767

AN ACT RELATING TO THE SELECTION OF SCHOOL COMMITTEEMEN FOR THE GRAHAM PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Call of public meeting for selection of Public School Committeemen, Town of Graham.

SECTION 1. On the first Monday in June, 1947, the Mayor of the Town of Graham shall call a public meeting of all the qualified voters of the town to meet at such place and such hour as may be designated by him for the purpose of selecting the Graham Public School Committeemen, to consist of five members who shall be qualified electors of the town.

Selection of committeemen.

Terms.

SEC. 2. At the meeting authorized in Section 1, five school committeemen shall be selected, two of whom shall serve for a period of one year from the first day of July, 1947, and three of whom shall serve for a period of two years from the first day of July, 1947; and all of said committeemen shall serve until their successors are elected and qualified. The mayor of the town shall call a meeting as provided in Section 1 on the first Monday in each June of the year in which the term of office of any member of the school committee expires for the purpose of electing a successor or successors. After their first term of office, each committeeman shall be elected for a term of two years.

Vacancies filled.

SEC. 3. In the event of a vacancy occurring on said school committee during the term of office of any member, the remaining members of the committee shall fill such vacancy, and the person so selected shall serve for the remainder of the unexpired term of the person causing such vacancy.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 942 **CHAPTER 768**

AN ACT APPOINTING A COMMISSION TO STUDY TO WHAT EXTENT THE GOVERNMENTAL FUNCTIONS OF THE CITY OF WILMINGTON, THE TOWN OF CAROLINA BEACH, THE TOWN OF WRIGHTSVILLE BEACH AND THE COUNTY OF NEW HANOVER MAY BE CONSOLIDATED AND PROVIDING FOR PUTTING SUCH CONSOLIDATION INTO EFFECT, TO THE EXTENT APPROVED BY THE MUNICIPAL AUTHORITIES OF THE CITY OF WILMINGTON, TOWN OF WRIGHTSVILLE BEACH, TOWN OF CAROLINA BEACH AND THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY SUBJECT TO THE APPROVAL OF THE VOTERS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Creation of commission to study advantages from consolidation of governmental functions, Wilmington, Carolina Beach, Wrightsville Beach, New Hanover County.

SECTION 1. That a commission is hereby created for the purpose of making a study of the advantages to be gained from the consolidation of the governmental functions of the City of Wilmington, the Town of Carolina Beach, the Town of Wrightsville Beach and the County of New Hanover. The said commission, when appointed, shall make a complete study of the advantages to be derived by the citizens of New Hanover County from the consolidation of the functions of government exercised by the county, towns and city; and the said commission shall, after having made said study, make its report in writing to the Council of the City of Wilmington, the City Commissioners or Aldermen of the Town of Carolina and Wrightsville Beach with their specific recommendations with regard to such consolidation as may to them be found desirable and for the benefit of the people of the county, said report to be made on or before March 1st, 1948.

Report.

Recommendations.

Composition of commission.

SEC. 2. That the said commission shall consist of the Mayor of the City of Wilmington, the Mayor of Carolina Beach, the Mayor of Wrightsville Beach and the Chairman of the Board of Commissioners for New Hanover County, two persons selected by the City Council of the City of Wilmington, two persons selected by the Board of Commissioners for the County of New Hanover and one person each selected by the governing body of the Town of Carolina Beach and the Town of Wrightsville Beach, and three other citizens of New Hanover County who shall be selected by the ten members of the said commission heretofore mentioned. The said commission shall organize by electing one of its members as chairman thereof and a secretary who may or may not be a member of the said commission.

Election of officers.

Appropriations of funds for expenses of commission.

SEC. 3. That the City Council of the City of Wilmington, the Board of Commissioners of the County of New Hanover, Aldermen of the Town of Wrightsville Beach and the Commis-

sioners of the Town of Carolina Beach are hereby authorized to appropriate funds to pay the reasonable expenses of the said commission in making such study; *provided, however,* that each of the above governing bodies heretofore enumerated shall appropriate for the expenses of the said board in the following proportion: For the municipality of the City of Wilmington—fifty per cent (50%); for the County of New Hanover—forty per cent (40%); for the Town of Wrightsville Beach—five per cent (5%); for the Town of Carolina Beach—five per cent (5%); provided further that the members of the said commission shall serve on said commission without pay or compensation.

Pro rata appropriations by local units participating.

Recommendations as to consolidation of functions.

SEC. 4. That in filing the report or recommendation with the governing bodies the said commission may recommend to further consolidate various governmental functions to eliminate any unnecessary office or to consolidate all of the governmental agencies in New Hanover County under a consolidated government of the municipalities within the said county with the county government and to cause a bill to be drafted for the presentation to the next General Assembly for passage if it is so recommended.

Presentation of legislative bill to General Assembly.

Recommendation of consolidation of all local units in County, submitted to referendum.

SEC. 5. That in event the said commission recommends the consolidation of all government units in the county and a bill is prepared for that purpose, the governing bodies as heretofore enumerated shall by resolution determine within thirty days after receiving said report whether or not they approve the recommendations of said commission and if said recommendations are approved by a majority vote of the members of the respective bodies, a question as to the approval of the said consolidation to the extent recommended shall be submitted to a vote of the qualified voters of New Hanover County at the county primary election to be held in June, 1948. If a majority of votes cast in said primary favor the consolidations provided for in said report, then it shall be a mandate upon the next Members of the General Assembly to enact same into law. In the said primary election, those favoring the consolidation recommended shall vote ballots on which shall be written or printed "For consolidation of County, Town and City Governments as recommended by the commission"; those opposed shall vote ballots on which shall be written or printed "Against consolidation of County, Town and City Governments as recommended by the commission". Said election shall be conducted by the county board of elections at the same time the statewide primary is held in the same manner that other elections are held for similar purposes.

Time of election.

Effect of favorable vote.

Form of ballots.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 947 CHAPTER 769

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF STONEVILLE IN ROCKINGHAM COUNTY TO DISPOSE OF THE PROCEEDS OF THE SALE OF CERTAIN REAL AND PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Use of proceeds from sales of certain property by Town of Stoneville, for attracting new industries.

SECTION 1. The governing body of the Town of Stoneville, Rockingham County, is hereby authorized and empowered to use the proceeds of the sale of any real or personal property which has been or is hereafter given or donated to said town to be used to attract new industries thereto in any or all of the following ways:

Specific uses enumerated.

(1) To make gifts of money or property to industries as an inducement to said industries to locate in said town;

(2) To defray the expenses of furnishing additional facilities or services to industries as an inducement to said industries to locate in said town;

(3) To make investments in industries as an inducement to said industries to locate in said town.

Acceptance by Town of donations, etc., for attracting new industries, and use of funds, validated.

The acceptance of such gifts or donations to be used to attract new industries to the Town of Stoneville by the governing body of the Town of Stoneville and the disposition of such gifts or donations are hereby in all respects validated, ratified, and confirmed; and the governing body of the Town of Stoneville is hereby authorized to accept like gifts or donations in the future, to dispose of such gifts or donations at private sale, and to use the proceeds thereof as outlined in this Act.

Authority to accept future donations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 950 **CHAPTER 770**

AN ACT RELATING TO FEES FOR THE SOLICITOR OF FORSYTH COUNTY TO BE TAXED IN BILLS OF COSTS AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Fees for Solicitor, taxed by C. S. C., Forsyth County.

SECTION 1. (a) The fees for the Solicitor of Forsyth County to be taxed in criminal cases and collected by the Clerk of the Superior Court of Forsyth County shall be as follows:

Capital crimes.

(1) First degree arson, or first degree burglary, or first degree murder, or rape, forty dollars ($40.00) for each defendant in each case.

Burning property, second degree burglary, murder, and other felonies.

(2) Burning property, or second degree burglary, or second degree murder, or assault with intent to commit rape, or manslaughter, or crime against nature, or housebreaking, or larceny of personal property valued in excess of fifty dollars, or larceny and receiving of personal property valued in excess of fifty dollars, or perjury, or violating the prohibition law, or embezzlement, or false pretense, or highway robbery, or manufacturing liquor, or forgery, or assault with intent to kill, or assault with a deadly weapon, or assault with a deadly weapon inflicting serious injury, or other felonies not enumerated, thirty dollars ($30.00) for each defendant in each case.

Assault with deadly weapon, abandonment, and other major misdemeanors.

(3) Assault with deadly weapon, or abandonment, or carrying concealed weapon, or malicious injury to property, or nonsupport, or resisting an officer, or bastardy, or cruelty to animals, or disturbing graves, or disposing of mortgaged property, or fornication and adultery, or operating an automobile intoxicated, or reckless driving, or larceny of personal property when value is fifty dollars or less, or other major misdemeanors not enumerated, twenty dollars ($20.00) for each defendant in each case.

Simple assault, and other minor misdemeanors.

(4) Simple assault, or giving worthless check, or speeding, or vagrancy, or violating automobile law, or forcible trespass, or other minor misdemeanors not enumerated, ten dollars ($10.00) for each defendant in each case.

Provision as to fees when jury not impaneled.

Provided: That in any case wherein the jury is not impaneled, the solicitor's fee shall be one-half of the regular fee as set out in paragraphs (2), (3), and (4), and *provided further,*

Fees when defendant convicted or pleads guilty, lesser offense than charged.

in all cases wherein the defendant is permitted to plead guilty to a lesser offense than that with which he was charged, or is convicted of a lesser offense than that with which he was charged, the solicitor's fee shall be that of the lesser offense.

SEC. 2. This Act shall apply to Forsyth County only. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification. Emergency declared.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 952 CHAPTER 771

AN ACT TO AMEND THE CHARTER OF THE TOWN OF McFARLAN IN ANSON COUNTY AND APPOINT OFFICERS OF SAID TOWN AND TO PROVIDE FOR MUNICIPAL ELECTIONS OF OFFICIALS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Sections 3, 4, 5, 6, and 7 of Chapter 102, Private Laws of 1885, entitled "An Act to incorporate the Town of McFarland in Anson County," be and the same are hereby repealed and the following substituted in lieu thereof: Ch. 102, Private Laws, 1885, amended.

SEC. 3. That T. C. Johnson is hereby appointed Mayor and W. L. Teal, A. B. Moore, Travis J. Northcutt, T. F. Kanipe and R. L. Davidson are hereby appointed Commissioners of the Town of McFarlan, County of Anson, to serve until the first Tuesday after the first Monday in May, 1947, or until their successors have been elected and qualified. Legislative appointment of Mayor and Commissions, Town of McFarlan.

Terms.

SEC. 4. That hereafter the officers of said town shall consist of a mayor and five commissioners, and an election for said officers shall be held on the first Tuesday after the first Monday in May, 1947, and biennally thereafter, and shall be conducted in accordance with the general municipal election laws as set out in Article 3 of Chapter 160 of the General Statutes of North Carolina. Election of Mayor and Commissioners.

SEC. 5. Any person desiring to become a candidate for the office of Mayor or Commissioner of the Town of McFarlan, shall, at least ten days prior to election day, file with the town clerk, who, until his successor shall have been appointed, shall be W. L. Notice of candidacy.

Teal, a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
TOWN OF McFARLAN.

Form of notice.

I, ..., hereby give notice that I reside in the Town of McFarlan; that I am a candidate for election to the office of (mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19....., and I hereby request that my name be printed on the official ballot for said election for such office.

.....
Signature

Witness:

.....

Filing fees.

SEC. 6. Candidates for mayor shall pay at the time of the statement referred to in the preceding Section the sum of five dollars ($5.00) to the clerk of said town, and candidates for membership on the board of commissioners of said town shall pay the sum of one dollar ($1.00) to the clerk of said town; and such filing fees shall go to the town's general fund, to be applied on the expense of holding the election. Only those persons signing such statement and paying the required fee shall be entitled to have their names printed on the official ballot.

Determination of election results.

SEC. 7. The candidate for mayor receiving the highest number of votes in the town election shall be declared elected mayor and the five candidates for town commissioner receiving the highest number of votes shall be declared to be elected as commissioners of the town.

Appointment of Chief of Police and other officers.

SEC. 8. The chief of police and other appointive officers of the town shall be appointed by the board of commissioners, and said board may appoint persons who are not residents of the town to such positions.

Authority of police officers extended under hot pursuit doctrine.

SEC. 9. The police officers of the Town of McFarlan shall have full authority when in hot pursuit of any person who is charged with the violation of any criminal offence with the municipality, to pursue such offender beyond the corporate limits of the town and as far as the line of an adjoining county and to arrest such offender, and the common law doctrine of hot pursuit shall be applicable to such offences and such officers.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws relating to the election of Town Officials of the Town of McFarlan and the appointment of enforcement officers for said town in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 953 CHAPTER 772

AN ACT TO AMEND CHAPTER 347 OF THE PUBLIC LAWS OF 1939 RELATING TO JURY TRIALS IN THE RECORDER'S COURT IN CABARRUS COUNTY SO AS TO INCREASE THE AMOUNT OF THE JURY DEPOSIT WHICH THE DEFENDANT IS REQUIRED TO MAKE.

The General Assembly of North Carolina do enact:

Ch. 347, Public Laws, 1939, amended, increasing jury deposit, Cabarrus County Recorder's Court.

SECTION 1. Section 1 of Chapter 347 of the Public Laws of 1939 is hereby amended by striking out the word "ten" in line twenty and substituting the word "fifteen" in lieu thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 956 CHAPTER 773

AN ACT TO AMEND CHAPTER 329, PUBLIC-LOCAL LAWS OF 1939, PROVIDING FOR A PROSECUTING ATTORNEY FOR THE RECORDER'S COURT AT AURORA.

The General Assembly of North Carolina do enact:

Ch. 329, Public-Local Laws, 1939, amended; relating to Recorder's Court at Aurora, Beaufort County.

SECTION 1. That Chapter 329 of the Public-Local Laws of 1939, providing for the appointment of a Prosecuting Attorney for the Recorder's Court at Aurora and allowing fees to such prosecuting attorney in compensation for his services, and all Acts amendatory thereof and supplementary thereto, be and the same is hereby amended by adding thereto, immediately after Section 1, a new Section to read as follows:

Beaufort County Commissioners authorized to place Prosecuting Attorney on salary basis.

SEC. 2. In lieu of all fees to be paid such prosecuting attorney, as provided in Section 1 hereof, the Board of Commissioners of Beaufort County is hereby authorized and empowered, in its

Fees payable into general fund of Beaufort County, if Prosecuting Attorney placed on salary basis.

discretion, to fix a monthly salary to be paid said prosecuting attorney from the general fund of said county, which salary shall not exceed the salary of the judge of said court. In the event the prosecuting attorney of said court is placed on a salary by the Board of Commissioners of Beaufort County, all fees taxed in the bill of costs as provided in Section 1 hereof shall continue to be taxed and collected by the clerk of said court and shall be paid into the general fund of said county.

Sections of Act amended, renumbered.

SEC. 2. That the remaining Sections of said Act be renumbered in sequence as Section 3 and Section 4.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 957 CHAPTER 774

AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF BELHAVEN IN BEAUFORT COUNTY UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Election authorized on question of city manager form of government for Town of Belhaven.

SECTION 1. The County Board of Elections of Beaufort County, between July 1st, 1947, and March 1st, 1948, upon the written request of the governing body of the Town of Belhaven in Beaufort County, shall call an election as provided by Chapter 160, Section 160-298, of the General Statutes of North Carolina, in the same manner as if a petition signed by twenty-five per cent (25%) of the qualified voters of the Town of Belhaven had been filed calling for such an election, which election shall be held at such time as the county board of elections shall specify. At said election there shall be submitted for determination by the qualified voters of the Town of Belhaven voting in such election the question of the adoption (in lieu of the present form of government) of a form of government for the Town of Belhaven defined as "Plan D" as provided by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council, and a city manager: *Provided*, that the City Council for Belhaven shall consist of six

Composition of City Council.

members, including the member serving as mayor, instead of the five members as provided by Article 22 of Chapter 160 of the General Statutes of North Carolina.

Conduct of election.

SEC. 2. The said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter 160 of the General Statutes of North Carolina; in the event the said "Plan D" form of government is adopted at such election, the first election of municipal officers next succeeding the adoption of said "Plan D" form of government, as amended by this Act, shall be held in the manner and at the time prescribed in Part 3, Article 21, Chapter 160, of the General Statutes of North Carolina: *Provided, however,* that in the event said "Plan D" form of government, as amended by this Act, shall be adopted at such election, said form of government shall become effective and the municipal year shall begin on the first day of July next following such election, and in lieu of the time for the councilors-elect to qualify as prescribed by Section 160-307 and Section 160-341 of Chapter 160 of the General Statutes of North Carolina, the councilors-elect shall on the first day of July next following such election, and biennially thereafter, meet and be sworn to the faithful discharge of their duties, and their terms of office shall then begin.

First election of municipal officers, if new form approved.

Effective date of new form, if adopted.

Qualification of councilors-elect.

Effect of adoption of new form upon governing powers and duties.

SEC. 3. In the event that said "Plan D" form of government, as amended by this Act, shall be adopted at such election, all powers, duties, functions and authority vested by statute in the governing board or officials of the Town of Belhaven, howsoever designated, shall, upon and after the first day of July, next following such election, be vested in the governing body of the Town of Belhaven as constituted by "Plan D," Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, and shall be performed, exercised and administered by the city council or the city manager in accordance with the terms and provisions of said "Plan D," Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act.

Performance and administration of duties and functions.

Application of Act.

SEC. 4. This Act shall apply only to the Town of Belhaven, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 960 CHAPTER 775

AN ACT TO AMEND GENERAL STATUTES 7-70 AS IT RELATES TO TERMS OF SUPERIOR COURT IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 7-70, amended, as to terms of Superior Court, Greene County.

SECTION 1. Section 7-70 of the General Statutes is hereby amended by adding the following proviso at the end of the Subsection governing terms of Superior Court in Greene County in the Fifth Judicial District:

Each week of consecutive weeks to constitute separate term.

Provided, that in all instances where there are consecutive weeks of Superior Court calendared for Greene County, each such week shall constitute a separate term of such court for all purposes whatsoever.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 964 CHAPTER 776

AN ACT TO INCORPORATE THE TOWN OF MORRISVILLE, IN THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact:

Incorporation of Town of Morrisville.

SECTION 1. That the Town of Morrisville, in the County of Wake, be and the same is hereby incorporated, by the name and style of "The Town of Morrisville," and shall be subject to all of the provisions contained in Chapter 160 of the General Statutes of North Carolina, not inconsistent with the Constitution and Laws of North Carolina or of the United States, also subject to the general law relating to municipal corporations not inconsistent with this Act.

Application of G. S., Ch. 160, and other general laws.

Corporate limits defined.

SEC. 2. That the corporate limits of said town shall be as follows:

Beginning at a point in the center of the Raleigh-Durham Highway running thru the Town of Morrisville, said point being distant 1320 feet ± in a northerly direction from a point in center of said highway opposite the northwest corner of the present A. B. C. Whiskey Store, which store is located on the east side of said highway; thence in an easterly direction

along a line at right angles to said highway 1320 feet ± to a stake; thence in a southerly direction parallel more or less with said highway and at right angles to northern line above set forth 3640 feet ± to a stake; thence in a westerly direction and at right angles to the eastern line above set forth 2640 ± to a stake on the west side of the highway approximately 1320 feet west of the center line of said highway; thence in a northerly direction and at right angles to the south line above set forth 3640 ± to a stake; thence in an easterly direction and at right angles to western line above set forth 1320 feet ± to the point and place of beginning.

Town officers.

SEC. 3. That the officers of said corporation shall consist of a mayor and three commissioners. For the purpose of the first election of officers, it shall be the duty of the Sheriff of Wake County or any Justice of the Peace in Cedar Fork Township, within ten days after the ratification of this Act, to cause a registration of the qualified voters in said town to be had and to this end, appoint a registrar and designate the place of registration and to call an election for the purpose of electing a mayor and the said three commissioners of said town. Thirty days notice shall be given by posting notices in three public places within the corporate limits of said town, giving notice of said registration and of the coming election, designating the time and place for said registration and the time and place for the holding of said election, which election shall be held under the same restrictions that other county and State elections are held. The Sheriff of Wake County or any Justice of the Peace of Cedar Fork Township shall also appoint two judges of election, who together with the registrar shall conduct the election, and shall also name the date of the election to be held in not less than thirty days after the first posting of the notices. After the first election, all other elections in said town shall be conducted in accordance with the laws of North Carolina pertaining to municipal elections, Chapter 160 of the General Laws of North Carolina, Article 3, G. S. 160-29 *et seq.* Except as herein specifically provided for the election shall be conducted under the general law herein above cited. All candidates who desire to run for office in the first election shall file their names with the Sheriff of Wake County and/or the justice of the peace acting, whose duty it shall be to see that the names of all candidates filing be placed upon the ballots provided for said election.

First election of Mayor and Commissioners.

Registration of voters.

Notice of registration and election.

Election officials.

Time of election.

Conduct of future elections.

Notice of candidacy.

SEC. 4. That all resident citizens within said corporation's limits who reside therein four months prior to the election shall be entitled to vote at said election provided they shall be qualified to vote for Members of the General Assembly.

Voting qualifications.

Powers of Commissioners to pass by-laws, rules, and regulations.

SEC. 5. That said commissioners shall have the power to pass all by-laws, rules and regulations for good government of the corporation not inconsistent with the laws of North Carolina and the United States.

Taxing powers.

SEC. 6. That the commissioners shall have the power to levy a tax on all property located within the corporate limits not to exceed one dollar ($1.00) on the one hundred dollars ($100.00) valuation of property for general purposes and shall have all other taxing powers and privileges conferred by the general laws of North Carolina pertaining to municipalities, particularly Article 5, Chapter 160 of the General Statutes of North Carolina.

Expenditure of tax funds.

SEC. 7. That the commissioners shall have the power to spend the funds collected by taxes in behalf of said corporation for general municipal purposes, including the expenses incident to obtaining this charter.

Appointment of treasurer.

Treasurer to act as secretary.

Other duties.

SEC. 8. That the commissioners when organized shall have the power to appoint a treasurer, who shall act as secretary, and who shall keep all funds belonging to the corporation and pay the same out under orders of the commissioners. The treasurer shall also keep a record of all of the proceedings of the commissioners and give such bond for the faithful performance of his office as the commissioners require.

Biennial election of officers.

Terms.

SEC. 9. That the officers named in Section 3 of this Act shall be regularly elected bi-ennially on Tuesday after the first Monday in May, 1949, and every two years thereafter, and shall serve until their successors are elected and qualified, *provided*, that nothing herein shall be construed to prevent an election being held as provided for by Section 3 of this Act.

Vacancies filled.

SEC. 10. That in the event of a vacancy occurring in the board of commissioners and/or mayor, the remaining number shall fill the vacancy.

Compensation of officers and employees.

SEC. 11. That the commissioners of said town shall be authorized and empowered to allow reasonable compensation to the officers herein provided for and all municipal employees and all persons who render services to said town under the authority of the commissioners.

SEC. 12. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 966 **CHAPTER 777**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF SWANSBORO, ONSLOW COUNTY, TO ACQUIRE PROPERTY FOR RECREATIONAL FACILITIES AND TO PROVIDE SUFFICIENT FUNDS THEREFOR.

The General Assembly of North Carolina do enact:

Town of Swansboro authorized to acquire certain property for recreational center.

SECTION 1. The Governing Body of the Town of Swansboro, Onslow County, is authorized and empowered to acquire from the Federal Works Agency, Bureau of Community Facilities of the United States of America, certain real property and the improvements thereon and equipment located in said Town of Swansboro and heretofore used as a U S O facility, to provide facilities for a municipal recreational center and to pay the sum of five thousand dollars ($5,000.00) as a purchase price therefor.

Purchase price.

Execution of notes.

SEC. 2. The Governing Body of said Town of Swansboro is authorized and empowered to execute notes for the purchase price of said facilities and to secure the payment of said notes by giving a mortgage or deed of trust upon the property acquired and by pledging the net revenue from the operation of said recreational facilities. *Provided*, that nothing herein shall be construed as authorizing said town to pledge its faith or loan its credit, or to levy or collect any tax for the payment of the debt evidenced by said notes, unless authorized by a vote of the people; and the holders of said notes shall depend solely on the properties securing said notes and the revenues therefrom for the payment of said notes.

Security of notes.

Pledge of Town credit, levy of taxes, for payment of notes, subject to election.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 976 CHAPTER 778

AN ACT TO REPEAL CHARTER 306 OF THE PRIVATE LAWS OF 1913 AND CHAPTER 111 OF THE PRIVATE LAWS OF 1915 RELATING TO PROCEEDS DERIVED FROM THE SALE OF THE ELECTRIC LIGHT PLANT OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Ch. 306, Private Laws, 1913; Ch. 111, Private Laws, 1915; repealed.

SECTION 1. That Chapter 306 of the Private Laws of 1913 and Chapter 111 of the Private Laws of 1915 be, and the same are hereby repealed.

Electric Light Fund, City of Goldsboro, transferred to Permanent Improvement Fund.

SEC. 2. That the fund designated as "The Electric Light Fund" created by Chapter 306 of the Private Laws of 1913, as amended by Chapter 111 of the Private Laws of 1915, be, and the same is hereby, transferred to the Permanent Improvement Fund of the City of Goldsboro, to be used in the discretion of the board of aldermen of said city for permanent improvements, and for no other purpose.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 987 CHAPTER 779

AN ACT TO AMEND CHAPTER 128 OF THE PUBLIC-LOCAL LAWS OF 1931 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DURHAM COUNTY TO PROVIDE AN AUTOMOBILE FOR THE USE OF THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Ch. 128, Public-Local Laws, 1931, amended.

SECTION 1. That Chapter 128 of the Public-Local Laws of 1931 be, and the same is hereby, amended by adding a new Section to follow Section 2, and to be numbered Section 2½, to read as follows:

Durham County Commissioners authorized to provide automobile for Sheriff's use.

SEC. 2½. That the Board of Commissioners of the County of Durham be, and they are hereby, authorized, in their discretion, to purchase and operate at county expense an automobile for the use of the sheriff of said county in the performance of his official duties.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first of July, 1947. Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 37 **CHAPTER 780**

AN ACT TO APPROPRIATE THE SUM OF TWO HUNDRED AND FIFTY DOLLARS ($250.00) FOR THE PURPOSE OF ENROLLING THE NAME OF THE BATTLESHIP USS NORTH CAROLINA ON THE HONOR LIST OF BATTLESHIPS IN WORLD WAR II NAMED FOR STATES IN THE NEW MEMORIAL BELL TOWER AT VALLEY FORGE.

Preamble:

WHEREAS, the National Society of the Daughters of the American Revolution has taken over exclusive sponsorship of raising approximately one hundred thousand dollars ($100,000.00) for the Memorial Bell Tower adjoining the Washington Memorial Chapel at the National Shrine of the American people at Valley Forge; and D. A. R. sponsorship of fund raising for Memorial Bell Tower at Valley Forge.

WHEREAS, the greater portion of the necessary funds to replace this structure has already been raised, and that construction is expected to start on or about the first of May, 1947; and Progress made in raising funds.

WHEREAS, this new Memorial Bell Tower will contain, along with the National Carillon, memorials of various kinds dedicated to Revolutionary Soldiers and Veterans of other major wars in which this Country has participated; and Nature of memorials.

WHEREAS, one roll of honor will be dedicated to World War II battleships which have been named for the various states; and Roll of Honor dedicated to certain battleships.

WHEREAS, during World War II, the Battleship North Carolina participated in most of the great naval engagements which took place and made for herself a most enviable record; and Record of Battleship "North Carolina", World War II.

WHEREAS, it is thought that the record thus attained by the USS North Carolina should be preserved for all posterity; and Preservation of record of USS North Carolina.

Proper place for preservation of record.

WHEREAS, it is thought that the proper place for this record to be so preserved is at the National Shrine at Valley Forge; and

State's proportionate part in cost of roll of honor.

WHEREAS, North Carolina's proportionate part in the cost of preparing the roll of honor for World War II battleships will be in an amount not in excess of two hundred and fifty dollars ($250.00): *Now, therefore,*

The General Assembly of North Carolina do enact:

Provision for allocation of State funds for use in preparation of roll of honor, World War II battleships.

SECTION 1. The Governor and Council of State may, in their discretion, allocate from the Contingency and Emergency Fund an amount not to exceed two hundred and fifty dollars ($250.00) for the purpose of aiding in defraying the expenses of the preparation of the roll of honor dedicated to World War II battleships, one of the most illustrious of which was named for the State of North Carolina.

Forwarding of funds.

Use.

SEC. 2. Upon the allocation of such fund by the Governor and Council of State, it shall be forwarded to the State Regent of the National Society of the Daughters of the American Revolution of North Carolina, Miss Gertrude S. Carraway, at New Bern, North Carolina, to be used for the purpose herein stated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 94 **CHAPTER 781**

AN ACT TO REVISE CERTAIN SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes of North Carolina is hereby amended as follows:

G. S. § 1-311, amended, as to establishing right to execution against the person.

(1) Section 1-311 is hereby amended by adding at the end thereof the following:

Provided, that where the facts are found by a jury, the verdict shall contain a finding of facts establishing the right to execution against the person; and where jury trial is waived and the court finds the facts, the court shall find facts establishing the right to execution against the person.

(2) Section 1-324 is hereby amended by striking therefrom the words "on the second day of the term of court" in line 5 and inserting in lieu thereof the words:

G. S. § 1-324, amended as to time of payment of costs collected by sheriff under execution.

within ten days from the time for such total or partial satisfaction of execution.

(3) Section 1-521 is hereby rewritten in its entirety, so as to read as follows:

G. S. § 1-521, amended.

Trials expedited. All actions to try the title or right to any State, county or municipal office shall stand for trial at the next term of court after the summons and complaint have been served for thirty days, regardless of whether issues were joined more than ten days before the term; and it is the duty of the judge to expedite the trial of these actions and to give them precedence over all others, civil or criminal. It is unlawful to appropriate any public funds to the payment of counsel fees in any such action.

Trials of actions to try title to public office expedited.

Public funds for counsel fees prohibited.

(4) Section 1-543 is hereby rewritten in its entirety so as to read as follows:

G. S. § 1-543, amended.

Disclaimer of title in trespass; tender of judgment. In actions of trespass upon real estate, the defendant in his answer may disclaim any title or claim to the lands against which the trespass is alleged, may allege that the trespass was by negligence or involuntary, and may make a tender or offer of sufficient amends for the trespass. In the event of such disclaimer, defense and offer by the defendant, the plaintiff is required to file a reply before trial, with respect to the defendant's allegation that the trespass was negligent or involuntary, and that a sufficient tender has been made.

Disclaimer of title in trespass actions; tender of judgment.

Plaintiff's reply.

If the plaintiff controverts such answer or a part thereof, and at the trial verdict is found for the defendant or the plaintiff is nonsuited, other than voluntarily, then in either such even he is barred from the said action.

Effect of nonsuit or verdict for defendant.

All costs incurred after the defendant's disclaimer and tender shall be charged against the plaintiff in the event the jury finds for the defendant on the issues of disclaimer and tender, or in the event the plaintiff is nonsuited.

Costs.

(5) Section 5-9 is hereby amended by striking out the words "prosecuted and carried on as provided in provisional remedies" in lines 2 and 3 thereof, and inserting in lieu thereof the following:

G. S. § 5-9, amended, as to trial of contempt proceedings.

by an order directing the offender to appear within a reasonable time and show cause why he should not be attached for contempt.

G. S. § 6-36, amended, as to payment of court costs by county in certain cases.

(6) Section 6-36 is hereby amended by striking out all of said Section down to the words "or convicted" in line 3 thereof, and inserting in lieu thereof the following:

in a criminal action, if there is no prosecutor designated by the court as liable for the costs under the provisions of General Statutes 6-49, and the defendant is acquitted.

G. S. § 6-37, amended.

(7) Section 6-37 is hereby amended by rewriting paragraph 5 thereof to read as follows:

Modification as to payment of certain court costs, New Hanover County.

In New Hanover County, in a criminal action, if the defendant is convicted and serves out his sentence on the public roads of the county, the county shall pay one-half of the fees as provided in the first sentence of General Statutes 6-36.

G. S. § 6-38, amended, as to county required to pay certain court costs, when defendant acquitted on appeal.

(8) Section 6-38 is hereby amended by adding the following at the end of said Section:

Provided, where the cause has been removed, said costs shall be paid by the county in which the offense was committed instead of the county from which the appeal is taken.

G. S. § 6-49, amended.

(9) Section 6-49 is hereby rewritten in its entirety so as to read as follows:

Prosecutor liable for court costs in certain cases.

Prosecutor liable for costs in certain cases; court determines prosecutor. In all criminal actions in any court, if the defendant is acquitted, nolle prosequi entered, or judgment against him is arrested, or if the defendant is discharged from arrest for want of probable cause, the costs, including the fees of all witnesses whom the judge, court or justice of the peace before whom the trial took place shall certify to have been proper for the defense and prosecution, shall be paid by the prosecutor, whether marked on the bill or warrant or not, whenever the judge, court of justice is of the opinion that there was not reasonable ground for the prosecution, or that it was not required by the public interest. If a greater number of witnesses have been summoned than were, in the opinion of the court, necessary to support the charge, the court may, even though it is of the opinion that there was reasonable ground for the prosecution, order the prosecutor to pay the attendance fees of such witnesses, if it appear that they were summoned at the prosecutor's special request.

Determination of who is prosecutor by Court.

Every judge or justice is authorized to determine who the prosecutor is at any stage of a criminal proceeding, whether before or after the bill of indictment has been found, or the defendant acquitted: *Provided,* that no person shall be made a prosecutor after the finding of the bill, unless he shall have been notified to show cause why he should not be made the prosecutor of record.

Limitation

(10) Section 6-52 is hereby amended by striking out the words "and no prosecutor or complainant shall pay any costs, unless the justice shall find the prosecution was malicious and frivolous" in lines 35, 36 and 37 of said Section, and by inserting in lieu thereof the following:

G. S. § 6-52, amended, as to payment of court costs by prosecutor in certain cases.

but no prosecutor or complainant shall pay any costs except as provided by General Statutes 6-49 and 6-50.

(11) Section 6-57 is hereby repealed.

G. S. § 6-57, as to pay of State's witnesses, repealed.

(12) Section 6-58 is hereby amended by inserting after the words "criminal courts" in line 3 thereof the following:

G. S. § 6-58, amended, as to pay of defendant's witnesses in certain cases.

except in actions or proceedings in which a justice of the peace has final jurisdiction, which are commenced or tried in a court of a justice of the peace, mayor, or in a county or recorder's court.

(13) Section 6-64 is hereby rewritten in its entirety so as to read as follows:

G. S. § 6-64, amended.

Liability for criminal costs before justice, mayor, county or recorder's court. In no action or proceeding in which a justice of the peace has final jurisdiction, commenced or tried in a court of a justice of the peace, mayor or in a county or recorder's court, shall the county be liable to pay any costs. Any defendant or prosecuting witness shall have the right of appeal to the Superior Court.

County not liable for criminal costs in certain inferior courts.

(14) Section 6-65 shall hereby be rewritten in its entirety so as to read as follows:

G. S. § 6-65, amended.

If a justice of the peace, mayor or judge of a county or recorder's court sentences a party found by him to be guilty to pay a fine and costs in a criminal action or proceeding within the jurisdiction of a justice of the peace, and the same are not immediately paid, the justice of the peace, mayor or judge of a county or recorder's court shall commit the guilty person to the county jail until the same are paid, or he is otherwise discharged according to law.

Imprisonment of defendant for nonpayment of fine and costs; inferior courts.

(15) Section 7-314 is hereby amended by striking out the words "and retain" in lines 6 and 7 thereof.

G. S. § 7-314, amended, as to commencement, civil actions, in county court.

(16) Section 8-71, as amended by Chapter 22 of the Session Laws of 1945, is hereby amended by inserting after the words "be competent" in line 41 thereof the following:

G. S. § 8-71, amended, as to procedure concerning depositions, civil actions.

subject, however, to such objections as subsequently might be made according to law.

(17) Section 8-75 is hereby amended by rewriting the first sentence thereof to read as follows:

G. S. § 8-75, amended.

Depositions in civil actions before justice of the peace.

Any party in civil action before a justice of the peace may take the depositions of all persons whose evidence he may desire to use in the action, and in order to do so may apply to the Clerk of the Superior Court for a commission to take the same; or such deposition may be taken by a notary public of this or any other state, or of a foreign country, without a commission issuing from the court.

The proceedings in depositions in a civil action before a justice of the peace shall be in all respects as if such action were in the Superior Court.

G. S. § 14-257, amended, as to liability for escape of convict hired out.

(18) Section 14-257 is hereby amended by inserting the word "other" between the words "any" and "criminal" in line 7 thereof.

G. S. § 14-402, amended, as to regulation of sale of certain weapons.

(19) Section 14-402 is hereby amended by inserting the words "slung-shot, blackjack" between the words "dagger" and "or" in line 11 of said Section.

G. S. § 31-33, amended.

(20) Section 31-33 is hereby amended by striking out all of said Section from the words "upon any caveator" in line 1 thereof, through the words "court or trial" in line 12 thereof, and inserting in lieu thereof the following:

Upon filing of bond or security, or evidence of inability to do so, by caveator of will, cause transferred to trial docket.

when a caveator shall have given bond with surety approved by the clerk, in the sum of two hundred dollars ($200.00), payable to the propounder of the will, conditioned upon the payment of all costs which shall be adjudged against such caveator in the Superior Court by reason of his failure to prosecute his suit with effect, or when a caveator shall have deposited money or given a mortgage in lieu of such bond, or shall have filed affidavits and satisfied the clerk of his inability to give such bond or otherwise secure such costs, the clerk shall transfer the cause to the Superior Court for trial.

G. S. § 31-35, amended, as to affidavits, probate of wills, common form.

(21) Section 31-35 is hereby amended by inserting after the word "die" and before the comma in line 2 thereof the following:

or be insane or mentally incompetent.

G. S. § 40-33, amended, as to condemnation proceedings under eminent domain.

(22) Section 40-33 is hereby amended by striking out the word "court" in line 9 thereof, and inserting in lieu thereof the words "Clerk of Superior Court", and by striking out the words "whether during a term or during a vacation" in lines 9 and 10.

G. S. § 40-43, amended, as to hearing of objections to special master's report, condemnation proceedings.

(23) Section 40-43 is hereby amended by striking out the word "court" as it appears in lines 2, 8, 14, 25, 26, 38 and 42 thereof, and substituting therefor in lines 2, 8, 14, 25, 26, 38 and 42 the words "Clerk of the Superior Court".

(24) Section 53-2 is hereby amended by inserting the word "and" between the words "trust" and "fiduciary" in line 12 thereof, and by striking out the words "and surety" following the word "fiduciary" in line 12 thereof.

G. S. § 53-2, amended, as to incorporation of banks.

(25) Section 54-86 is hereby amended by striking out all of the last sentence of Subsection 2 thereof, beginning with the word "funds" in line 6 of Subsection 2, down through the word "State" in line 10 thereof.

G. S. § 54-86, amended as to investment of funds by credit unions; preference eliminated.

(26) Section 59-82 is hereby amended by striking out the words "death of the deceased partner" in line 4 thereof and inserting in lieu thereof the words:

G. S. § 59-82, amended, as to settlements by surviving partner.

date of the first publication of notice to creditors.

(27) Section 60-5 is hereby amended by striking out the words "person or corporation" in lines 21 and 22 thereof, and inserting in lieu thereof the words "common carrier".

G. S. § 60-5, amended, as to punishment for discriminations by common carriers.

(28) Section 60-6 is hereby amended by striking out the word "corporation" in line 14 thereof, and inserting in lieu thereof the words "railroad company".

G. S. § 60-6, amended, as to punishment of railroad company for giving rebates.

(29) Section 60-23 is hereby rewritten in its entirety so as to read as follows:

G. S. § 60-23, amended, as to conduct of elections on question of county aid to railroads.

Conduct of election. All elections ordered under General Statutes 60-22 shall be conducted by the county board of elections under the laws and regulations provided for the election of members of the General Assembly.

The results of such elections shall be canvassed and declared by the county board of elections.

(30) Section 60-28 is hereby amended by striking out the word "sheriff" in line 2 thereof and inserting in lieu thereof the words "county board of elections"; and said Section is hereby further amended by striking out of said Section after the word "made" in line 8 thereof and inserting in lieu thereof the following:

G. S. § 60-28, amended, as to election procedure, question of township aid to railroads.

shall be canvassed and the results of such election declared by the county board of elections of the county in which such township is located.

(31) Section 60-106 is hereby amended by substituting a period for the semicolon after the word "behalf" in line 8 and by striking out the word "and" in line 8 and by capitalizing the letter "i" in the word "if" in line 8.

G. S. § 60-106, amended, as to liability of railroad for lost baggage, checked.

G. S. § 60-106, amended further.

Section 60-106 is hereby further amended by substituting a period for the comma after the word "train" in line 15 thereof, and all of said Section following the word "train" in line 15 is rewritten to read as follows:

Action to recover value of lost baggage.

If a passenger, whose bag has been checked, shall produce the check and his baggage shall not be delivered to him, he may by an action recover the value of such baggage.

G. S. § 60-118, repealed.

(32) Section 60-118 is hereby repealed.

G. S. § 60-128, repealed.

(33) Section 60-128 is hereby repealed.

G. S. § 60-129, repealed.

(34) Section 60-129 is hereby repealed.

G. S. § 69-7, amended, as to teaching "fire prevention," schools and colleges.

(35) Section 69-7 is hereby amended by striking out the word "commission" in lines 12 and 13 thereof, and inserting in lieu thereof the word "commissioner."

G. S. § 73-1, amended.

(36) Section 73-1 is hereby rewritten in its entirety so as to read as follows:

Definition of "public mills."

Public Mills defined. Every grist or grain mill, however powered or operated, which grinds for toll is a public mill.

G. S. § 73-13, amended.

(37) Section 73-13 is hereby rewritten in its entirety so as to read as follows:

Time for rebuilding water mill after destruction.

Rebuilding mill after destruction. If a water mill belonging to a person of unsound mind, a minor, or to one who is imprisoned, should fall, burn or be otherwise destroyed, such person and his heirs shall have three years from the removal of such disability within which to rebuild or repair such mill.

G. S. § 90-66, amended, as to failure to renew pharmacy license.

(38) Section 90-66 is hereby amended by striking out the word "six" in line 17 thereof and inserting in lieu thereof the word "sixty."

G. S. § 125-1, repealed, as to location of State library.

(39) Section 125-1 is hereby repealed.

G. S. § 125-2, amended, as to rules governing State librarian.

(40) Section 125-2 is hereby amended by striking out the word "shall" in line 6 thereof and inserting in lieu thereof the word "may."

G. S. § 125-8, repealed, as to assistant State librarian.

(41) Section 125-8 is hereby repealed.

G. S. § 125-9, repealed, as to certain library records.

(42) Section 125-9 is hereby repealed.

G. S. § 125-15, repealed, as to assistant State librarian.

(43) Section 125-15 is hereby repealed.

(44) Section 126-15 is hereby amended by adding the letter "s" to the word "state" in line 2 thereof. G. S. § 126-15, amended, as to application of Ch. 126.

(45) Section 147-72 is hereby amended by striking out the words "and soldier's home" in lines 9 and 10 thereof and by inserting the word "and" between the words "Goldsboro" and "for" in line 9 thereof. G. S. § 147-72, amended, as to ex-officio duties State Treasurer.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 141 **CHAPTER 782**

AN ACT TO CONTINUE THE COMMISSION FOR THE ERECTION ON THE STATE CAPITOL GROUNDS OF A SUITABLE MEMORIAL TO ANDREW JACKSON, JAMES K. POLK AND ANDREW JOHNSON, FILLING VACANCIES ON SAID COMMISSION AND MAKING AN APPROPRIATION THEREFOR.

Preamble:

WHEREAS, the General Assembly of 1945 enacted Chapter 769 with reference to the erection of a suitable memorial for Andrew Jackson, James K. Polk and Andrew Johnson on the Capitol grounds at Raleigh, North Carolina; and 1945 legislation concerning erection of certain memorials.

WHEREAS, A. J. Maxwell, of Raleigh, and R. W. Winston, of Chapel Hill, members of the commission created for said purpose have died since the 1945 Session of the General Assembly; and Death of member of commission.

WHEREAS, it is desired to name others to fill the vacancies on said commission and to provide for an additional member thereof; and Desire to fill vacancies and to provide additional member.

WHEREAS, the General Assembly of 1945 directed that the commission should proceed with the erection of the said memorial upon the conditions therein set forth, the funds therefor to be provided by an allotment from the Contingency and Emergency Fund by the Governor and Council of State; and Further reference to 1945 legislation.

Funds previously not available for memorials.

WHEREAS, by reason of unusual conditions, the Contingency and Emergency Fund had become exhausted and such funds were not available for this purpose: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appointment of new members of commission for erection of memorial to Andrew Jackson, James K. Polk, Andrew Johnson

SECTION 1. That D. Hiden Ramsey, of Asheville, Dr. J. Y. Joyner, of LaGrange, and Henry Belk, of Goldsboro, are hereby named as members of the commission herein referred to in the preamble to this Act, to serve with the surviving members of the commission.

Commission directed to proceed with plans for memorial.

SEC. 2. That the said commission is hereby authorized, directed and empowered to proceed with the making of the necessary plans for the erection of the memorial to the former Presidents of the United States, Andrew Jackson, James K. Polk and Andrew Johnson, on the Capitol grounds at Raleigh, North Carolina, and the location of such memorial shall be approved by the Governor and the Board of Public Buildings and Grounds.

Location.

Appropriation of funds.

SEC. 3. That there is hereby appropriated from the general fund to the Board of Public Buildings and Grounds, for the purpose of carrying out this Act, the sum of seventy-five thousand dollars ($75,000.00), or so much thereof as shall be necessary.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 186 CHAPTER 783

AN ACT TO AMEND SECTION 42-23 OF THE GENERAL STATUTES, RELATING TO AGRICULTURAL TENANCIES AS THE SAME APPLIES TO COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 42-23, amended, as to Columbus County.

SECTION 1. Section 42-23 of the General Statutes is hereby amended by adding at the end thereof the following:

Effect of willful abandonment of crop, etc., by tenant.

If any tenant shall, between December 1st and December 1st, willfully abandon his crop, quit the premises leased or willfully fail to harvest and prepare for market said crop when same is

matured and ready for harvesting, the estate of said tenant shall be deemed to have ceased and the landlord may enter the premises leased, harvest and, if necessary, prepare for and market said crop, and any cost or expense so incurred by said landlord shall be considered an advance to said tenant and a charge and lien upon the tenant's share in said crop along with such other liens as said landlord may hold against said crop, and such conduct on the part of the tenant shall be grounds and cause for an action of summary ejectment as provided by law governing landlord and tenant.

Rights of landlord.

Expense of harvesting crop made lien on tenant's share.

Summary ejectment.

SEC. 2. This Act shall apply only to Columbus County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

Emergency declared.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 196 CHAPTER 784

AN ACT TO REMOVE THE DEBT LIMITATION UPON THE STATE, COUNTIES, AND MUNICIPALITIES FOR NECESSARY EXPENSES BY REPEALING SECTION 4 OF ARTICLE V OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 4 of Article V of the Constitution of North Carolina imposing a limitation upon the increase of public debt of the State, counties and municipalities, be repealed in its entirety; and that said Section 4 of Article V be rewritten to provide as follows:

Proposed amendment of Sec. 4, Art. V, N. C. Constitution.

SECTION 4. Power to contract debts. The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit.

Power to contract public debts.

SEC. 2. That Section 1 of this Act be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the laws governing general elections in this State.

Election on proposed amendment.

Form of ballots.

SEC. 3. That electors favoring the adoption of the amendment in Section 1 of this Act shall vote ballots on which shall be printed or written the words "For amendment removing debt limitation upon the State, counties, and municipalities for necessary expenses," and those who are opposed shall vote ballots on which shall be printed or written the words "Against amendment removing debt limitation upon the State, counties, and municipalities for necessary expenses."

Determination and certification of election results.

SEC. 4. That if a majority of the votes cast shall be in favor of the amendment in Section 1 of this Act, it shall be the duty of the Governor of the State to certify the amendment so adopted under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

Enrollment of amendment, upon adoption.

Conflicting laws laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 250 **CHAPTER 785**

AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A VOCATIONAL SCHOOL FOR VETERANS AT CAMP BUTNER, NORTH CAROLINA.

Preamble:

World War II veterans eligible for training in skilled trades.

WHEREAS, there is a large number of North Carolina World War II veterans who are eligible to receive and eager for the type of training that will lead to profitable employment in the skilled trades; and

Need for trained personnel in industry.

WHEREAS, employers of industrial workers and skilled craftsmen are urgently in need of trained personnel to provide the needed expansion in industry and construction; and

Present training facilities inadequate.

WHEREAS, the present facilities in this State are inadequate to provide the volume of training needed for veterans; and

WHEREAS, the State has no obligation to provide where possible the kinds of training veterans desire: *Now, therefore,* Obligation of State.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be established a state trade school for veterans, to be known as The North Carolina State Trade School for Veterans. N. C. State Trade School for Veterans, established.

SEC. 2. The purpose of the school shall be to provide training for veterans in such skills as farm machinery operation and repair, radio servicing, refrigeration servicing, air conditioning, shoe repairing, automobile machine shop practice, sheet metal working, plumbing, carpentry, drafting, electric wiring and electric motor repairing, and such other types of skilled trades that are asked for and can be provided. Purpose.

SEC. 3. The said school is to be operated by the Division of Vocational Education of the State Department of Public Instruction. Operation.

SEC. 4. The said school is to be located at Camp Butner, North Carolina. Location.

SEC. 5. Officials of the North Carolina State Department of Public Instruction are authorized to make application to and accept from the War Department and the War Assets Administration to secure by donation or discount (100% discount) the necessary land, buildings, equipment and other facilities necessary for the operation of the school. Officials authorized to acquire land, buildings, equipment, etc.

SEC. 6. Officials of the North Carolina State Department of Public Instruction are authorized to enter into contracts with the Veterans Administration to secure by tuition of veterans, money to cover the cost of the operation of the school. Tuition contracts with Veterans Administration, authorized.

SEC. 7. To cover the cost of getting the school ready for operation, which cost includes such items as moving and setting equipment, the wiring of machines, renovation of buildings, transportation of equipment items secured by donation from bases other than Camp Butner, the cost of purchasing those items of equipment not possible by donation, printing, labor and salaries, there is hereby appropriated from the general fund the sum of twenty-five thousand dollars ($25,000.00). Appropriation for getting school ready for operation.

SEC. 8. To cover the cost of rearranging rooms in dormitories to make provisions for rooming facilities for married couples, there is hereby appropriated from the general fund a sum of ten thousand dollars ($10,000.00). This appropriation is to be in the nature of a revolving fund and is to be repaid to the general fund as money is earned from the rental of Appropriation for rearranging dormitory rooms, etc. Nature of appropriation.

rooms to veterans. Monies earned from the rental of rooms in excess of the amount necessary to repay the amount used from the revolving fund will be used to make permanent improvements to the school.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 291 CHAPTER 786

AN ACT TO AMEND CHAPTER 1010 OF THE SESSION LAWS OF 1945 RELATING TO THE STATE STREAM SANITATION AND CONSERVATION COMMITTEE.

The General Assembly of North Carolina do enact:

Ch. 1010, Session Laws, 1945, amended.

SECTION 1. Amend Section 3 of Chapter 1010 of the Session Laws of 1945 by adding to the end of said Section a new sentence which shall read as follows:

Per diem and travelling expense allowances for members of Stream Sanitation and Conservation Committee.

The Members of the Stream Sanitation and Conservation Committee, appointed by the Governor, shall each receive ten dollars ($10.00) per day, including necessary time spent in traveling to and from their places of residence within the State to any place of meeting or while traveling on official business, and in addition thereto shall receive mileage at the rate of six cents (6c) per mile in going to and from any place of meeting or while traveling on official business.

Ch. 1010, further amended.

SEC. 2. That Chapter 1010 of the Session Laws of 1945 is hereby amended by inserting in said Chapter 1010 of the Session Laws of 1945 a new Section to be designated as Section 5½, which said Section shall read as follows:

Authority of Committee to employ clerical, technical and professional personnel.

The State Stream Sanitation and Conservation Committee shall have the authority to employ clerical, technical and professional personnel with such qualifications as the Committee may prescribe in accordance with the State personnel regulations and budgetary laws and shall have the authority to pay such personnel from any appropriations made to the Committee or from any appropriations made to any other agency of the State for the benefit of the Committee. The State Stream Sanitation and Conservation Committee shall have the power

Establishment of standards, regulations, procedures.

and authority to establish any and all necessary standards, regulations and procedures for the management of its affairs within the scope of the duties and powers of the Committee. The State Stream Sanitation and Conservation Committee is hereby authorized and empowered to act as an agency of the State of North Carolina, or to act in conjunction with any other agency of the State of North Carolina, for the purpose of setting up and administering any Statewide plan relating to stream conservation, sanitation and stream pollution which is now or may be required in order to comply with any Federal law and in order to receive and administer any funds which may be provided by an act of Congress for such a purpose; and said Committee, as such agency of the State of North Carolina, or acting in conjunction with any other agency of the State of North Carolina, shall have the right in order to comply with Federal regulations only to promulgate such Statewide plans or such other plans and regulations as may be found desirable and necessary in order to meet such requirements and receive the benefits of any Federal legislation with regard thereto. The said Committee, either by itself or in conjunction with any other agency of the State of North Carolina, is authorized to receive and administer any funds which may be appropriated by any act of Congress for stream sanitation, control of stream pollution, stream conservation or any other objectives related thereto, which may at any time in the future become available for such purposes; and in connection therewith, the Committee is authorized to adopt such rules and regulations as may be necessary, together with such suitable standards as may be proper, and fully cooperate with any Federal agency in the use of any funds provided by the Federal Government for the purposes hereinbefore mentioned and at all times to make such reports and give such information to any proper Federal agency as may be required.

Powers of Committee.

Statewide planning.

Compliance with Federal laws and regulations; extent.

Receipt and administration of Federal funds.

Adoption of rules and regulations for Federal cooperation.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 315 **CHAPTER 787**

AN ACT TO PROVIDE FOR THE REDUCTION OF FIRE HAZARD IN TOBACCO CURING BARNS.

Preamble:

Destruction of tobacco barns by fire.

WHEREAS, 1,412 tobacco barns were destroyed by fire in North Carolina during the past curing season, and

Estimated loss.

WHEREAS, this loss is estimated at two million dollars ($2,000,000.00), and

Economic welfare of farmers jeopardized.

WHEREAS, the economic welfare of the farmer is being jeopardized, which definitely affects the financial interest of this State, and

Loss unreasonable.

WHEREAS, the loss is unreasonable and can be greatly reduced: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. § 81-14, amended.

SECTION 1. That Chapter 81, Article 1, Section 14 of the General Statutes of North Carolina as amended, be and the same is hereby amended by adding a new Subsection at the end thereof to read as follows:

Approval of heating units, curing assemblies, for curing tobacco, by Board of Agriculture, for sale purposes.

All heating units and/or curing assemblies offered for sale or sold in this State, intended for use in curing the so-called flue cured tobacco, shall bear a label or seal of approval, authorized by the Board of Agriculture, and be accompanied with a statement, including drawings and instructions, signed by the manufacturer thereof, specifying how said heating unit shall be installed, operated, and/or used, so as to reduce to a minimum the fire hazard involved. Such expense as incurred in obtaining the label or seal of approval referred to in this Section shall be borne by the manufacturer or distributor of the heating unit involved.

Expense of obtaining seal of approval.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect on and after September 1st, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 316 **CHAPTER 788**

AN ACT TO PROTECT THE PURCHASERS OF CEMENT BLOCK, CINDER BLOCK, AND OTHER CONCRETE MASONRY UNITS.

Preamble:

WHEREAS, concrete and cinder block are being used quite extensively as a building material; and

Use of concrete and cinder blocks.

WHEREAS, the load bearing strength of these block is one of the important factors involved in the use of such building material; and

Load bearing strength, important factor in use.

WHEREAS, there is no minimum load bearing strength established by law for this building material: *Now, therefore,*

No minimum load bearing strength established by law.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 81, Article 1, Section 14 of the General Statutes of North Carolina as amended, be and the same is hereby further amended by adding a new Subsection at the end thereof to read as follows:

G. S. § 81-14, amended.

That in order to protect the purchasers of concrete block, cinder block, and other concrete masonry units and to provide for a minimum load bearing strength, on and after July 1st, 1947, all concrete block, cinder block, and other concrete masonry units offered for sale or sold in this State shall have a load bearing strength of not less than 700 pounds per square inch of gross bearing area, or the minimum load bearing strength approved by the National Underwriters Laboratory or by the American Society of Testing Materials, whichever is less. The manufacturer shall furnish proof, acceptable to the Board of Agriculture, that the concrete block, cinder block, or other concrete masonry units being offered for sale or sold complies with the minimum load bearing strength required by this Subsection; and each and every sale shall be accompanied with a bill of sale or invoice on which shall be printed or stamped in ink or other indelible substance, a statement guaranteeing that the products covered by said bill of sale or invoice meets the minimum load bearing strength as required by this Section signed by a duly authorized official or agent of the manufacturer; *provided, however,* that the provisions of this Section shall not prohibit the sale or offer for sale of cement block, cinder block, or other concrete masonry units, known as "seconds" or "rejects," due to size, shape, or less than minimum load bearing requirement, if and when said sale is accompanied with a bill of sale or invoice on which is printed or stamped in ink or other indelible substance in bold letters a statement

Establishment of minimum load bearing strength of concrete and cinder blocks.

Proof of minimum load bearing strength.

Written guarantee required with sales.

Sale of "seconds" or "rejects".

Written statement of inferior quality required at time of sale.

that the cement block, cinder block, or other concrete masonry units so billed or invoiced are inferior in quality and do not comply with minimum load bearing requirement signed by a duly authorized official or agent of the manufacturer.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 360 **CHAPTER 789**

AN ACT TO MAKE APPROPRIATIONS FOR ACQUISITION AND DEVELOPMENT OF CAMP BUTNER TO BE USED TO CARE FOR THE MENTALLY SICK.

Preamble:

State mental institutions filled to capacity.

WHEREAS, there are large numbers of citizens of this State who are mentally sick and who cannot be admitted to the present State institutions for the mentally sick because these institutions are filled to capacity; and

Immediate building of facilities impossible.

WHEREAS, under the most favorable building conditions facilities to take care of those seeking admittance to the State's present institutions for mentally sick could not be provided under two years; and

Camp Butner available for use in care of mentally sick.

WHEREAS, Camp Butner is being made available to the State of North Carolina to be used for the care of the mentally sick; and

Immediate availability.

WHEREAS, Camp Butner will provide space immediately available for caring for all the mentally sick needing to be admitted to this kind of institution; and

Financial advantage in acquisition of Camp Butner.

WHEREAS, this Camp Butner hospital can be acquired at a very small part of the cost of the establishment and at a tremendous saving to the taxpayers of the State; *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriation to State Hospital Board of Control, for acquisition and development of Camp Butner hospital.

SECTION 1. That there is appropriated out of the general fund of the State the sum of one million five hundred thousand dollars ($1,500,000.00) to the State Hospital Board of Control for acquisition and development of the Camp Butner hospital.

Acquisition of Camp Butner Hospital authorized.

SEC. 2. That the State Hospital Board of Control is authorized to acquire by purchase, gift or otherwise the Camp Butner Hospital, including buildings, equipment, and land necessary for the operation of a modern up-to-date hospital for the care and treatment of the mentally sick of this State.

Approval by Governor and Advisory Budget Commission.

SEC. 3. That this appropriation shall not be available for expenditure until the Governor and the Advisory Budget Commission shall have first approved the acquisition of the buildings, land and equipment and the general plan for the development of the hospital and its facilities.

Reversion of excess funds to State general fund.

SEC. 4. That any funds remaining in this appropriation after the acquisition and development of the necessary lands, buildings and equipment shall revert to the general fund of the State. It is intended that ample provisions be made for the establishment of a well equipped hospital for the mentally sick, but it is not known now what the cost will be.

Intent of Act.

SEC. 5. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 363 **CHAPTER 790**

AN ACT TO AMEND THE SUPPLEMENTAL APPROPRIATIONS ACT FOR THE BIENNIUM 1945-47, RATIFIED ON THE 28TH DAY OF JANUARY 1947, FOR THE PURPOSE OF ALLOWING THE EMPLOYEES OF THE NORTH CAROLINA STATE EMPLOYMENT SERVICE DIVISION OF THE UNEMPLOYMENT COMPENSATION COMMISSION THE SAME AMOUNT OF EMERGENCY BONUS AS ALLOWED OTHER STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Ch. 6, Session Laws, 1947, Supplemental Appropriations Act, amended.

SECTION 1. That the Supplemental Appropriations Act for the biennium 1945-47, ratified on the 28th day of January 1947, be, and the same is hereby, amended by adding the following at the end of Section 3 of said Act:

Application to employees of N. C. Employment Service Division of U. C.C.

Except that contingent upon availability of funds from the Federal Government employees of the North Carolina State Employment Service Division of the Unemployment Compensation Commission of North Carolina on November 16th, 1946, shall receive credit for the period from November 1st to November 15th, 1946, and said emergency bonus for the period

from November 1st to November 15th, 1946, shall be payable at the time of the issuance of the regular June salary check.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 364 **CHAPTER 791**

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS AND COUNTY BOARDS OF EDUCATION TO EXPEND FUNDS DERIVED FROM THE SALE OF SCHOOL BONDS ISSUED SUBSEQUENT TO AUGUST 1ST, 1946, AND PRIOR TO DECEMBER 1ST, 1946, TO ERECT AND EQUIP VOCATIONAL EDUCATIONAL BUILDINGS.

The General Assembly of North Carolina do enact:

Use of unexpended funds from sale of certain school bonds, by county authorities, for vocational education.

SECTION 1. The boards of county commissioners and the county boards of education of the State now having on hand unexpended funds derived from the sale of school bonds issued without a vote of the people subsequent to August 1st, 1946, and prior to December 1st, 1946, are authorized in their discretion to expend such funds for the erection, construction, and equipping of vocational educational buildings for the teaching of vocational agriculture and allied subjects. Such buildings may be erected and constructed at such place or places in the county as the county board of education of such county may designate, notwithstanding that the bond ordinance adopted, authorizing the issuance of such bonds, may have designated the place or places for such new additional school buildings to be erected and equipped.

Location of buildings.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 366 **CHAPTER 792**

AN ACT AUTHORIZING AND EMPOWERING POLICE OFFICERS OF THE TOWNS OF MARION AND OLD FORT IN McDOWELL COUNTY TO MAKE ARRESTS AND SERVE PROCESS WITHIN A MILE OF THEIR RESPECTIVE TOWN LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. All police officers of the Town of Marion and the Town of Old Fort in McDowell County are hereby authorized to serve warrants and other criminal process, and to make arrests with or without warrants at any point within one mile of the corporate limits of their towns.

Authority of police officers, Town of Marion Town of Old Fort, extended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 367 **CHAPTER 793**

AN ACT TO AMEND GENERAL STATUTES 160-25 RELATING TO QUALIFICATION OF MUNICIPAL OFFICERS, AS IT APPLIES TO THE TOWNS OF MARION AND OLD FORT IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-25 of the General Statutes of North Carolina is hereby amended by adding the following at the end thereof:

G. S. § 160-25, amended.

"*Provided,* that in the Towns of Marion and Old Fort in McDowell County the provisions of Section 160-25 of the General Statutes of North Carolina shall apply only to the Mayor and the members of the Board of Aldermen."

Requirement that certain officers be qualified voters, applicable only to Mayor and Aldermen, Towns of Marion and Old Fort.

SEC. 2. This Act shall apply only to the Towns of Marion and Old Fort in McDowell County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 325 CHAPTER 794

AN ACT TO AMEND GENERAL STATUTES 7-90 RELATING TO THE OFFICIAL COURT REPORTER FOR THE SECOND JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. §7-90, amended, as to compensation of court reporter, Second Judicial District.

SECTION 1. Paragraph five, Section 7-90 of the General Statutes of North Carolina be amended by striking out the word "ten" between the words "exceed" and "dollars" in line four of said paragraph and inserting in lieu thereof the word "thirteen."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the Provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 378 CHAPTER 795

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REFUND ONE HUNDRED TEN DOLLARS TO THE PITT COUNTY AGRICULTURAL FAIR ASSOCIATION, INCORPORATED.

Preamble:

Erroneous payment of franchise tax by Pitt County Fair Association, Inc.

WHEREAS, The Pitt County Fair Association, Incorporated, of Greenville, North Carolina, has through oversight or error paid to the State Department of Revenue the sum of ten dollars ($10.00) each year for the years of 1936 to 1946 inclusive, as franchise tax; and,

Fair not liable for franchise tax.

WHEREAS, the said Fair is not liable for any franchise tax: *Now, therefore,*

The General Assembly of North Carolina do enact:

Refund of franchise tax erroneously paid by Pitt County Agricultural Fair Association, Inc., authorized

SECTION 1. That the Commissioner of Revenue is hereby authorized and directed to refund to the Pitt County Agricultural Fair Association, Incorporated, the sum of one hundred and ten dollars ($110.00), or so much thereof as may be due as per application filed with the Commissioner of Revenue by the said Fair.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 402 **CHAPTER 796**

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF MOORE COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. In all trials in the Recorder's Court in Moore County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person, or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed, and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said case for trial to the Superior Court of Moore County, and the defendant shall execute a new bond in such amount as may be fixed by the recorder for his appearance at the next term of the Superior Court of Moore County.

Hearing by Recorder's Court, Moore County, to determine probable cause, upon demand for jury trial in criminal cases.

Duty of Recorder to transfer case to Superior Court for trial, when probable cause found.

New appearance bond.

SEC. 2. That in such case the Superior Court shall have jurisdiction as in case of an appeal from the Recorder's Court in misdemeanors or crimes of less degree.

Nature of jurisdiction of Superior Court in such cases.

SEC. 3. This Act shall be applicable only to Moore County.

Application of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 416 CHAPTER 797

AN ACT TO AMEND SECTION 14 OF THE CHARTER OF THE CITY OF DURHAM RELATIVE TO THE COMPENSATION OF MEMBERS OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

Sec. 14, Charter of City of Durham, rewritten.

SECTION 1. The following sentence from Section 14 of the Charter of the City of Durham is hereby repealed: "The City Council shall have power to vote each alderman a sum not exceeding Two Hundred Fifty Dollars ($250.00) per annum, payable monthly, and for each absence of an alderman from a regular meeting of the Council there shall be deducted from his pay the sum of Five Dollars ($5.00)," and in lieu of the foregoing, there shall be inserted the following:

Compensation of members of Durham City Council.

Each member of the city council shall be entitled, as compensation for his services. to the sum of ten dollars ($10.00) for attendance at regular council meetings and/or committee meetings of the council as a whole. The total of such sums, however, shall not exceed forty dollars ($40.00) per month. The payments herein provided shall be paid only to those councilmen who actually attend such regular council meetings and/or committee meetings as a whole.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 420 CHAPTER 798

AN ACT RELATING TO THE REMISSION OF CERTAIN TAXES, PENALTIES, AND INTEREST ON PROPERTY NOW OWNED BY CERTAIN BENEVOLENT, PATRIOTIC, HISTORICAL, OR CHARITABLE ORGANIZATIONS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Governing boards, Orange County and Town of Hillsboro, authorized to remit certain taxes, penalties, etc., of benevolent and other exempt organizations.

SECTION 1. The Board of Commissioners of Orange County and the governing body of the Town of Hillsboro may each in their discretion remit all penalties and interest and fifty per cent (50%) of the principal amount of ad valorem taxes assessed and levied for the year 1946 and prior years on real

property and improvements thereon acquired prior to April 1st, 1947, and subsequent to January 1st, 1946, by the benevolent, patriotic, historical, or charitable associations and other organizations whose property is exempted from ad valorem taxes by Paragraph 6 of Section 105-296 of the General Statutes. *Provided*, that the governing bodies of said county and town shall not remit any such taxes, principal, interest, or penalties, unless that portion of the same required by said units of government to be paid is paid by July 1st, 1947. Limitation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 429 **CHAPTER 799**

AN ACT TO AMEND GENERAL STATUTES 160-25 RELATING TO QUALIFICATION OF MUNICIPAL OFFICERS, AS IT APPLIES TO THE TOWN OF WALLACE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-25 of the General Statutes of North Carolina is hereby amended by adding the following at the end thereof: G. S. § 160-25, amended.

Provided, that in the Town of Wallace in Duplin County the provisions of Section 160-25 of the General Statutes of North Carolina shall apply only to the mayor and the members of the board of aldermen. Requirement that certain officers be qualified voters, applicable only to Mayor and Aldermen, Town of Wallace.

SEC. 2. This Act shall apply only to the Town of Wallace in Duplin County. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 432 CHAPTER 800

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF ROANOKE RAPIDS TO EXCHANGE CERTAIN REAL ESTATE WITH THE VETERANS OF FOREIGN WARS, HALIFAX POST NO. 3702.

The General Assembly of North Carolina do enact:

Authority of City Commissioners of Roanoke Rapids to exchange certain real estate with V.F.W., Halifax Post No. 3702.

SECTION 1. That the Board of Commissioners of the City of Roanoke Rapids is hereby authorized and empowered, in its discretion and on such terms as it may agree, to exchange with the Veterans of Foreign Wars, Halifax Post No. 3702, any lot or lots owned by the City of Roanoke Rapids in said city for any lot or lots owned by the Veterans of Foreign Wars, Halifax Post No. 3702, therein, and convey the lot or lots so exchanged to the said organization in fee simple in exchange for a conveyance to the said city of like kind.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 438 CHAPTER 801

AN ACT TO AMEND CHAPTER 434 OF THE SESSION LAWS OF 1945 RELATING TO CLERICAL ASSISTANCE IN THE OFFICES OF REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1, Ch. 434, Session Laws, 1945, amended, as to pay of clerical assistant, Register of Deeds, McDowell County.

SECTION 1. That Section 1 of Chapter 434 of the Session Laws of 1945 be, and the same is hereby, amended by striking out of said Section the words and figures beginning with the word "one" in line 9 and reading as follows: "one hundred and thirty-five dollars ($135.00)", and inserting in lieu thereof the following: "one hundred and fifty dollars ($150.00)".

Sec. 2, amended, as to pay of clerical assistant, C. S. C., McDowell County.

SEC. 2. That Section 2 of Chapter 434 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the words and figures beginning with the word "one" in line 9 thereof and reading as follows: "one hundred and thirty-five dollars ($135.00)" and inserting in lieu thereof the following: "one hundred and fifty dollars ($150.00)".

SEC. 3. That the provisions of Section 1 and Section 2 of this Act shall be retroactive to January 1st, 1947. Retroactive effect.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 404 **CHAPTER 802**

AN ACT TO AMEND SECTION 113-111 OF THE GENERAL STATUTES, RELATING TO OPEN SEASON ON FOXES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 113-111 of the General Statutes is hereby amended by inserting a comma and the words "Nash, Beaufort" between the word "Harnett" and the word "and" in line 3 of said Section. G. S. § 113-111, amended; hunting of foxes in Nash and Beaufort Counties, lawful.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 646 **CHAPTER 803**

AN ACT TO PROHIBIT AND REGULATE THE SALE OF ABBOTT'S BITTERS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person in Swain County to purchase, receive, transport or possess any of the patent or proprietary drug or medicine known as Abbott's Bitters or any other bitters or tonic of substantially the same alcoholic content: *Provided,* that it shall be lawful for any licensed druggist, drugstore or pharmacy in Swain County to purchase, receive, transport and possess Abbott's Bitters or Purchase, possession, etc., of Abbott's Bitters or similar tonic, prohibited in Swain County.

Purchase, possession, or sale upon doctor's prescription, by licensed druggist, made lawful.

any other bitters or tonic of substantially the same alcoholic content and to sell same to any person upon the prescription of a regularly and duly licensed physician of Swain County, which said prescription shall contain a certificate of the physician that the same is prescribed for medicinal purposes.

Punishment for violations.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 681 CHAPTER 804

AN ACT TO AID IN THE ENFORCEMENT OF THE PROHIBITION LAW IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Commissions payable to deputies sheriff for seizing certain personal property used in transportation, sale, etc., of whiskey, Caswell County.

SECTION 1. The Board of County Commissioners and/or the Board of Education of Caswell County are authorized and directed to pay, out of the funds derived from the sale of automobiles, horses, mules, wagons, or other vehicles or conveyances used in the transportation, manufacture, or sale of whiskey in Caswell County, to the deputy sheriffs seizing such personal property the following sums:

Schedule of commissions, payable out of proceeds from sale of property.

On amounts realized from the sale of such property through one hundred dollars ($100.00), twenty per cent (20%); fifteen per cent (15%) of the funds realized in excess of one hundred dollars ($100.00), but not more than two hundred dollars ($200.00); and ten per cent (10%) on all sums realized from such sale in excess of two hundred dollars ($200.00).

Ch. 22, Session Laws, 1943, amended.

SEC. 2. Chapter 22 of the Session Laws of 1943 is amended by adding a new paragraph at the end of Section 1 to read as follows:

Fees of deputies sheriff, Caswell County, for capture of tax-paid liquor, illegally held.

If amount realized from such sale is more than five hundred dollars ($500.00), five per cent (5%) of all sums in excess of five hundred dollars ($500.00).

SEC. 3. Chapter 541 of the Public-Local Laws of 1923 is repealed. Ch. 541, Public-Local Laws, 1923, repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 688 **CHAPTER 805**

AN ACT TO AMEND CHAPTER 420 OF THE PUBLIC-LOCAL LAWS OF 1937 BY REPEALING SECTION 2 THEREOF, RELATING TO THE EQUALIZATION OF TAX VALUES IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 420, Public-Local Laws, 1937, amended, as to equalization of tax values, Ashe County.

SECTION 1. Chapter 420 of the Public-Local Laws of 1937 is hereby amended by repealing Section 2 thereof.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon completion of a revaluation of property for taxation in Ashe County by horizontal increase or reduction or by actual appraisal thereof or both. Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 724 **CHAPTER 806**

AN ACT TO AMEND SECTION 2 OF CHAPTER 40 OF THE GENERAL STATUTES RELATING TO EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2 of Chapter 40 of the General Statutes of North Carolina be amended by adding a new paragraph thereto as follows: G. S. § 40-2, amended.

9. The State Highway and Public Works Commission, for the purpose of acquiring such land or property as may be necessary for the erection of or additions to any building or buildings for the purpose of housing its offices, shops, garages, Eminent domain powers of State Highway and Public Works Commission.

for storage of supplies, material or equipment, for housing, caring or providing for prisoners, or for any other purpose necessary in its work, including the administration of the State Prison System.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 782 CHAPTER 807

AN ACT FIXING CERTAIN FEES AND COSTS TO BE PAID THE SHERIFF OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Schedule of fees, Sheriff of Mecklenburg County.

SECTION 1. There shall be paid to the Sheriff of Mecklenburg County the following fees and costs for the services enumerated, to-wit: serving warrants, two dollars ($2.00) per name; serving summons, one dollar ($1.00) per name; serving claim and delivery, two dollars and fifty cents ($2.50); serving subpoenas, fifty cents (50c) per name; serving executions, one dollar ($1.00) per name plus two and a half per cent (2½%) commission on all moneys collected thereon; serving capias, two dollars ($2.00) per name; serving notice, one dollar ($1.00) per name; serving orders, one dollar ($1.00) per name; levying attachment, three dollars and fifty cents ($3.50); execution for eviction, two dollars ($2.00); sci fa, one dollar ($1.00) per name; garnishment, one dollar ($1.00) per name; turnkey in, one dollar ($1.00); turnkey out, one dollar ($1.00); jail fee, one dollar ($1.00) per day; laying off homestead, three dollars ($3.00); taking bond, one dollar ($1.00).

Existing law as to fees, applicable except as provided in Section 1.

SEC. 2. Except as hereinbefore provided, the fees and costs payable to the Sheriff of Mecklenburg County shall remain as now provided by law.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Effective date.

SEC. 4. This Act shall be and become effective on the 1st day of the calendar month which is more than ten days subsequent to the ratification of this Act.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 832 **CHAPTER 808**

AN ACT TO AUTHORIZE MITCHELL COUNTY TO PURCHASE BULLS TO AID IN THE IMPROVEMENT OF THE CATTLE INDUSTRY IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Mitchell County is hereby authorized to appropriate funds, from any unexpended surplus or from any funds available derived from sources other than taxation, to be used for the purchase of bulls to be used in providing an artificial breeding service for cattle raisers in Mitchell County.

Mitchell County Commissioners authorized to appropriate funds to purchase bulls for breeding purposes.

SEC. 2. Such bulls shall be purchased by a board consisting of the Chairman of the Board of Commissioners, the County Farm Agent, and the President of the Gurnsey Breeding Association of Mitchell County, which Board shall be known as the Mitchell County Board for the Improvement of Cattle. Said board shall make all necessary, reasonable rules and regulations, and fix such fees as may be necessary, to carry out the provisions of this Act.

Purchase by Mitchell County Board for Improvement of Cattle.

Powers of Board.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 863 **CHAPTER 809**

AN ACT RELATING TO THE ALLOCATION OF THE NET PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL STORES IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, 1947, the Warren County Alcoholic Beverage Control Board (County Board of Alcoholic Control) be, and it is hereby, authorized and directed to allocate and disburse annually to each of the municipalities of Warren County in which there is located an Alcoholic Beverage Control Store ten per cent (10%) of the net profits derived from such store, that is to say, said funds shall be allocated and disbursed as follows: Ten per cent (10%) of the net profits of its Warrenton store to the Town of Warrenton; ten per cent (10%) of the net profits of its Norlina store to the Town of Norlina; and ten per cent (10%) of the net profits of its Littleton store to the Town of Littleton.

Allocation of net profits from A. B. C. Stores, Warren County, to municipalities therein.

Percentage to Warrenton.

Norlina.

Littleton.

Quarterly settlements.

SEC. 2. That the said Warren County Alcoholic Beverage Control Board (County Board of Alcoholic Control) may make quarterly settlement with said municipalities, and the amounts so received by each of said municipalities shall be placed in its general fund.

Ch. 119, Public-Local Laws, 1939, repealed.

SEC. 3. That Chapter 119 of the Public-Local Laws of 1939 is hereby repealed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent they are in conflict with this Act.

Effective date.

SEC. 5. That this Act shall be in full force and effect from and after the 1st day of July, 1947.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 936 **CHAPTER 810**

AN ACT PROHIBITING MOTORCYCLE AND MOTOR VEHICLE RACES ON SUNDAY IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Motorcycle and other motor vehicle races on Sunday, prohibited, Alamance County.

SECTION 1. It shall be unlawful for any person, firm, or corporation to engage in, promote, or in anywise participate in any motorcycle or other motor vehicle race or races on Sunday in Alamance County, North Carolina.

Punishment for violations.

SEC. 2. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 937 **CHAPTER 811**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KENANSVILLE, NORTH CAROLINA IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2, Chapter 174, Private Laws of North Carolina, Session 1899 be amended and reformed to read as follows: that the corporate limits of the town of Kenansville shall be as follows: Beginning at a concrete marker at the head of Stephen's Branch, a short distance west of the Rutledge Graveyard and runs thence South 8 degrees 30 minutes East 221½ feet to a water oak and concrete marker on the northern edge of Highway 24; thence South 43 degrees 45 minutes West 4135 feet to a concrete marker in the southern edge of the Kenansville and Chinquapin road; thence South 77 degrees 51 minutes West 6381 feet to a concrete marker near the colored graveyard on the western edge of North Carolina State Highway No. 11, at Ben Stroud's and C. E. Quinn's corner; thence North 45 degrees 41 minutes West 788 feet to a concrete marker on the run of Mill Branch; thence down the run of Mill Branch through E. A. Newton's fish pond and continuing on said Mill Branch to the run of Grove Swamp; thence down the run of Grove Swamp to Stephen's Branch; thence up the run of Stephen's Branch to the concrete marker, the beginning corner.

Ch. 174, Private Laws, 1899, amended.

Corporate limits of Town of Kenansville.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This law shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 943 **CHAPTER 812**

AN ACT TO REPEAL CHAPTER 108, PRIVATE LAWS 1897; TO REQUIRE THE BOARD OF COMMISSIONERS OF THE COUNTY OF DURHAM AND THE CITY COUNCIL OR OTHER GOVERNING BODY OF THE CITY OF DURHAM TO ELECT TRUSTEES OF THE DURHAM PUBLIC LIBRARY; TO DEFINE THEIR POWERS AND DUTIES; TO PROVIDE FOR MAKING APPROPRIATIONS FOR THE OPERATION OF A PUBLIC LIBRARY; TO CLASSIFY THE EMPLOYEES OF SUCH LIBRARY AS EMPLOYEES OF THE COUNTY AND CITY OF DURHAM FOR RETIREMENT PURPOSES; AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Ch. 108, Private Laws, 1897, repealed.

SECTION 1. That Chapter 108 of the Private Laws of 1897 be, and it hereby is, repealed.

Election of Board of Trustees, Durham Public Library.

Composition.

Terms.

SEC. 2. The Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham shall, at a joint meeting to be held by them in the Courthouse in the County of Durham on the first Monday of April, 1947, at twelve-thirty o'clock, P. M., of the day, elect a Board of Trustees for the Durham Public Library, which said board shall be composed of seven citizens of said county. Three of said seven members shall be elected for a term of two years and so designated at said election, and four of said seven members shall be elected for a term of three years and so designated at said election. At the expiration of the term of the said three members so elected, their successors shall be elected at a joint meeting of the said Board of Commissioners of the County of Durham and City Council or other governing body of the City of Durham for a term of two years. At the expiration of the term of the said four members elected for the term of three years, their successors shall be elected at a joint meeting of the said Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham for a term of two years. The said joint meetings of the Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham for the election of the said trustees shall be held at the Courthouse in the City of Durham on the first Monday in April, at twelve-thirty o'clock, P. M., of the day. The clerk of the board of commissioners shall be clerk of said joint sessions, and it shall be his duty to notify the Board of Commissioners of the County of Durham and the City Council or other governing body of the

Joint meetings of governing boards, City and County of Durham, for election of trustees.

Notice of meetings.

City of Durham of the time, place, and purpose of holding said joint session at least three days before the time prescribed for said joint session, and it shall be his further duty to immediately notify in writing the persons elected at said joint meeting the terms for which they are elected, and to certify their names to the Clerk of the City of Durham.

Notification of trustees elected.

SEC. 3. The board elected as prescribed in Section 2 of this Act shall be known as and called the Board of Trustees of The Durham Public Library, and the members thereof shall hold their offices for the terms prescribed in Section 2 of this Act, and until their successors are elected and qualified; and if any member of said board shall die, resign, remove from the county, or become incompetent to discharge the duties of said office, his successor shall be elected for the unexpired term by the remaining members of the said board.

Official name of library board.

Vacancies filled.

SEC. 4. The said Board of Trustees of The Durham Public Library shall meet on the second Tuesday in April, 1947, and on the second Tuesday in April in each succeeding year for the purpose of electing one of their number as chairman of the said board, one of their number as secretary of the said board, and one of their number as Treasurer of the Durham Public Library. Said board may also elect an assistant secretary and an assistant treasurer from the membership or outside the membership of said board. The said chairman, secretary, treasurer, assistant secretary and assistant treasurer shall hold office for one year and until their successors are elected and qualified. The chairman shall preside over all meetings of the board of trustees, and in his absence, the vice-chairman, if elected by the board, shall perform the duties of the chairman. The secretary shall keep the minutes of all official meetings of the board of trustees and shall perform such other duties as may be assigned to him by said board. The assistant secretary, if one is elected, shall perform the duties of the secretary in the absence of the secretary. The treasurer shall be the custodian of the funds of The Durham Public Library and shall be responsible for their safe keeping and the proper use and accounting therefor; he shall prepare and file all financial statements and reports as may be required; he shall sign all checks and vouchers for all payments and disbursements and all withdrawals of funds made by The Durham Public Library; and he shall give and keep in force such bond for the faithful performance of his duties and the faithful and correct accounting of all funds of The Durham Public Library as may be required

Meetings of Board of Trustees.

Election of officers.

Terms of officers.

Presiding officer.

Duties of secretary.

Assistant secretary.

Duties of treasurer.

Bond of treasurer.

by the Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham, the cost and expense of such bond to be paid from the funds appropriated to The Durham Public Library, and he shall perform such other duties as may be assigned by the board of trustees. If the Board of Trustees of said The Durham Public Library shall elect an assistant treasurer with power and authority to sign checks and make withdrawals of the funds of said library, the said assistant treasurer shall also furnish and keep in force a bond in the same amount and conditioned as required of the bond of the treasurer and the cost and expense thereof shall also be paid from the funds appropriated to the said The Durham Public Library. The said board of trustees may also require all checks to be countersigned by such officer as they may designate.

Provision for bond of assistant treasurer, if elected by Board.

Countersigning of checks.

Employment of librarian and other personnel.

SEC. 5. The Board of Trustees of The Durham Public Library shall have power and authority, within the scope of the funds authorized for such purposes, to employ a librarian and such other employees and personnel as may be necessary to carry out the maintenance and operation of the public library herein authorized to be established, maintained, and operated; and said board of trustees shall have the power and authority to dispense with the services of any person so employed.

Power to discharge personnel.

Powers of Board of Trustees.

SEC. 6. Subject to the limitations prescribed in this Act and in other applicable acts of the General Assembly of North Carolina, the said Board of Trustees of The Durham Public Library shall have the power and authority to establish operate, conduct, and maintain a public library in the City of Durham for the use and benefit of the people of the City of Durham and the County of Durham; and, subject to the same limitations herein referred to, the said Board of Trustees of The Durham Public Library shall have power and authority to, and shall, make and enforce all such rules, regulations, and by-laws as they may deem necessary or useful for the conduct, operation, and maintenance of said library and the management of its affairs, and they may alter, amend, or repeal the same by vote of majority of said board of trustees.

Board directed to submit annual estimate of cost of operating library to governing boards, City and County.

SEC. 7. The said board of trustees shall on the first Monday of June of each year submit in writing to the board of commissioners of said county and to the city council or other governing body of the said city, in joint meeting held at the Courthouse in the County of Durham at eleven o'clock A.M., of said day, an estimate of the cost and expense of discharging the duties imposed upon them by law, and operating, conducting and

maintaining a public library for the benefit of the people of the County and City of Durham, including an estimate of the cost and expense of paying wages and salaries of all employees and personnel and the cost and expense of acquiring and maintaining all facilities, books, and equipment used or incident to the operation, conduct, and maintenance of said public library; and it shall be the duty of the Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham, respectively, to appropriate for the use of said board of trustees such amount of money as may by said Board of Commissioners of the County of Durham and City Council, or other governing body of the City of Durham, be deemed necessary to pay the wages, salaries, operation and maintenance costs, and other expenses authorized by this Act. One-third of the money so appropriated shall be paid by the County of Durham and two-thirds of the money so appropriated shall be paid by the City of Durham, as hereinafter set forth, by the respective treasurers of the County of Durham and the City of Durham. The money so appropriated by the said Commissioners of the County of Durham and the City Council or other governing body of the City of Durham shall be paid by the Treasurer of the County of Durham and the Treasurer of the City of Durham by check issued and payable to The Durham Public Library on the first day of each month, such monthly check to be one-twelfth of the amount appropriated by the Board of Commissioners of the County of Durham and City Council or other governing body of the City of Durham to The Durham Public Library for the fiscal year in which such monthly check is issued, and the Treasurer or Assistant Treasurer of said The Durham Public Library shall disburse said funds in payment of wages, salaries, and other costs and expenses set forth in the budget of said The Durham Public Library as finally approved and adopted by the Board of Commissioners of the County of Durham and the City Council or other governing body of the City of Durham and for which said two governmental units have appropriated funds; and an itemized statement of all income received and disbursements made, duly verified by the Treasurer of The Durham Public Library, shall be furnished at the end of each quarter to the Board of Commissioners of the County of Durham and to the City Council or other governing body of the City of Durham.

Appropriations by City and County of Durham for library purposes.

Pro rata appropriations.

Monthly payments of funds appropriated.

Disbursement of funds by treasurer, or assistant, Durham Public Library.

Quarterly statements of receipts and disbursements.

SEC. 8. Upon the election of a Board of Trustees of The Durham Public Library on the first Monday of April, 1947, as provided for in Section 2 of this Act, all of the powers, functions and authority of the board of trustees now in existence under and by virtue of the provisions of Chapter 108 of the Private Laws of 1897 shall cease, determine and be no longer

Termination of powers and functions of Board of Trustees existing under Ch. 108, Private Laws, 1897.

Transfer of property of Durham Public Library to City and County of Durham.

operative; and all property, equipment and franchises now owned or held by The Durham Public Library under and by virtue of said Chapter 108 of the Private Laws of 1897 shall pass to and vest in the County of Durham and the City of Durham in proportion of one-third to the County of Durham and two-thirds to the City of Durham: *Provided,* that until the election of the Board of Trustees of The Durham Public Library as set forth and provided in Section 2 of this Act, the presently constituted Board of Trustees of said The Durham Public Library shall continue to manage, control and operate the said public library.

Existing Board continued until election of new trustees.

Regular meetings of Board of Trustees in addition to annual meeting.

SEC. 9. In addition to the regular annual meeting of the said Board of Trustees of The Durham Public Library, as herein provided in Section 4 of this Act, the said board of trustees may by resolution provide for the holding of regular meetings at other times and may determine the place or places of such regular meetings; and said board of trustees may hold special meetings at any time upon call of the chairman or any three members of said board upon prior written notice to each member of the board of at least twelve hours: *Provided,* that special meetings of said board may be held without previous written notice if all members of said board of trustees are present in person at such special meeting.

Special meetings.

Notice.

Waiver of notice of special meetings.

Legislative consent to City and County governing boards to make appropriations for library.

SEC. 10. The consent of the General Assembly of North Carolina is hereby given to the Board of Commissioners of the County of Durham and to the City Council or other governing body of the City of Durham to appropriate funds for the operation, control, maintenance, and support of said public library from revenues derived from any and all sources.

Powers of Board of Trustees to create debts, limited.

SEC. 11. The said Board of Trustees of The Durham Public Library shall have no authority to create any debt or obligation binding upon the County of Durham or the City of Durham without the express consent of the governing bodies of both such units, but shall have authority to accept donations, gifts, grants, devises and bequests for the use of said library in cases in which the acceptance of the same incur no obligation to repay or to which no condition is attached which would necessitate the expenditure of additional funds on the part of said Board of Trustees or the County or City of Durham.

Power to accept donations, etc.

Service by trustees without compensation.

SEC. 12. The members of the board of trustees of said library shall serve without compensation.

SEC. 13. All persons employed by the Board of Trustees created under Section 2 of this Act as employees of The Durham Public Library shall be subject to the provisions of Article 3 of Chapter 128 of the General Statutes, the same being the Article establishing the North Carolina Local Governmental Employees' Retirement System. An employee of The Durham Public Library shall be deemed to be an employee as said term is defined in Subsection 3 of Section 128-21 of the General Statutes; and the County of Durham shall be deemed to be an employer, as said term is defined in Subsection 2 of Section 128-21 of the General Statutes, to the extent of that part of the compensation of the employees of The Durham Public Library which is derived from the County of Durham. The City of Durham shall be deemed to be an employer, as said term is defined in Subsection 2 of Section 128-21 of the General Statutes, to the extent of that part of the compensation of the employees of The Durham Public Library is derived from the City of Durham. That the employees of The Durham Public Library shall be deemed to be employees of the County and City of Durham to the extent of that part of their compensation derived from the County of Durham and the City of Durham for the purposes of Chapter 128 of the General Statutes. That the membership or participation of the employees of The Durham Public Library in the North Carolina Local Governmental Employees' Retirement System shall begin on and after July 1st, 1947; and said employees shall be entitled to the prior service allowance provided by Section 128-26 of the General Statutes, as amended. In determining prior service, any employee of The Durham Public Library shall be credited with all employment by or service with The Durham Public Library or any employment by or service with the County of Durham or the City of Durham. All questions as to the allowance or creditability of prior service shall be determined by the Board of Trustees of the Local Governmental Employees' Retirement System under such rules and regulations as the Board of Trustees may adopt. For the purpose of determining prior service of the employees of The Durham Public Library, Section 128-26 of the General Statutes, as amended, shall be applicable; and the date of participation of the County of Durham and the City of Durham as to the employees of The Durham Public Library shall be deemed to be July 1st, 1947. The provisions of this Section shall not apply to any person who is already a member of or who may become a member of a retirement system, other than the North Carolina Local Governmental Employees' Retirement System, the benefits or retirement allowance of which system are paid wholly or partly at the expense of public funds.

Application of N. C. Local Governmental Employees' Retirement System to library employees.

County of Durham, as employer; extent.

City of Durham, as employer; extent.

Status of employees of Durham Public Library.

Effective date of participation in retirement system.

Prior service credit; determination.

Application of G. S. § 128-26.

Effect of membership in other retirement system.

Provision for Durham Public Library Association.

SEC. 14. That any number of persons may associate themselves together under the name and style of the "Durham Public Library Association" for the purpose of aiding in the maintenance of said library, and may collect from each member of said association annual dues not exceeding ten dollars ($10.00) which shall regularly be paid to the Treasurer of the said Durham Public Library.

Conflicting laws repealed.

SEC. 15. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 951 CHAPTER 813

AN ACT TO PROHIBIT THE OPERATION OF POOL TABLES ON SUNDAY IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Operation of pool tables on Sunday, prohibited; Sampson County.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate or permit to be operated any pool table of whatever kind in any pool hall, store, filling station or other place of business between the hours of midnight on Saturday and midnight on Sunday in Sampson County.

Punishment for violations.

SEC. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 1002 CHAPTER 814

AN ACT AMENDING SECTION 8 OF CHAPTER 115 OF THE PUBLIC-LOCAL LAWS OF 1913, AS AMENDED BY SECTION 3 OF CHAPTER 235 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1913, RELATIVE TO THE PAY OF JURORS IN THE CRIMINAL COURT FOR THE COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

Ch. 115, Public-Local Laws, 1913, as amended, further amended.

SECTION 1. That Section 8 of Chapter 115 of the Public-Local Laws of 1913, as amended by Section 3 of Chapter 235 of the Public-Local Laws of the Extra Session of 1913, be further amended by striking out the sentence after the words "at large" in line 9 and before the words "any person" in line 18 thereof, and by inserting in lieu thereof the following sentence:

Fees of jurors in The Criminal Court for the County of Scotland.

Jury fees and other fees, payable in advance by party demanding jury trial.

Refund of amounts advanced by defendant, upon acquittal.

The jurors so drawn and required to serve in the trial of such case shall be allowed and paid two dollars ($2.00) each per day, and such jurors as are thus summoned and required to attend, but are rejected and are not required to sit in the trial of such case, shall be paid the sum of one dollar ($1.00) each, which said fees, together with the fees of the sheriff or other officer for summoning such jurors, such fee to be fifty cents (50c) for each juror summoned, shall be advanced and paid into the court for the purpose by the party demanding said jury trial: *Provided, however*, that in case the defendant so demanding a jury trial shall be acquitted in said trial, the amount so advanced by him for jury fees and fees for the officers in summoning said jury shall be refunded to him; and such fees shall be paid by the County of Scotland.

SEC. 2. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

H. B. 1024 CHAPTER 815

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO COMPENSATE THE SHERIFF OF SAID COUNTY FOR PERFORMING THE DUTIES OF A SPECIAL DEPUTY SHERIFF AND TAX COLLECTOR FOR CRAWFORD TOWNSHIP IN CURRITUCK COUNTY WHO DIED IN OFFICE.

Preamble:

Appointment of Newton N. Hampton, Special Deputy Sheriff, etc., Currituck County.

WHEREAS, Mr. Newton N. Hampton of Currituck County was, by Chapter 8 of the Session Laws of 1943, appointed a Special Deputy Sheriff and Tax Collector for Crawford Town-

ship in Currituck County to serve in such capacity until the first Monday in December, 1946; and

Upon vacancy, duties performed by Sheriff.

WHEREAS, the vacancy in said office was not filled and the said sheriff assumed and carried out the duties of said office for the remainder of the term: *Now, therefore,*

The General Assembly of North Carolina do enact:

Additional compensation for Sheriff, Currituck County, authorized.

SECTION 1. The Board of County Commissioners of Currituck County are hereby authorized, in their discretion, to pay L. L. Dozier, Sheriff of Currituck County, as additional compensation for his services as aforesaid, any remaining portion of the salary fixed by the said Act which Mr. Hampton would have received had he not died and should he have continued in his official capacity until the expiration of his term.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1947.

S. B. 211 CHAPTER 816

AN ACT TO PROVIDE FOR CONTROL CORNERS IN REAL ESTATE DEVELOPMENTS.

The General Assembly of North Carolina do enact:

Provision for permanent markers as "control corners" in real estate developments.

SECTION 1. Whenever any person, firm or corporation shall hereafter divide any parcel of real estate into lots and lay off streets through such real estate development and sell or offer for sale any lot or lots in such real estate development, it shall be the duty of such person, firm or corporation to cause one or more corners of such development to be designated as "control corner" and to affix or place at such control corner or corners permanent markers which shall be of such material and affixed to the earth in such a manner as to insure as great a degree of permanence as is reasonably practical.

Type of markers.

Requirement that control corners be fixed at time of recording plat, prior to sale.

SEC. 2. Such control corner or corners, as described in Section 1 of this Act, and such permanent marker or markers, as described in Section 1 of this Act, must be designated and affixed at the time of recording the plat of said land or prior to the first sale of any lot or lots constituting a part of the real estate development which said person, firm or corporation has caused to be laid off in lots with designated streets.

SEC. 3. Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after the effective date of this Act, unless the location of such control corner or corners is shown thereon.

Recording of plat showing location of control corners.

Duty of Register of Deeds not to accept plats for registration which fail to show control corners.

SEC. 4. Any lot or lots sold or otherwise transferred at the time of or subsequent to the establishment of a control corner may be described in any conveyance so as to include a reference to the location of said lot or lots which are being conveyed with respect to the control corner. Thereafter the use of the control corner in ascertaining distances so as to establish boundary lines of lots within or originally within such real estate development may be admissible as evidence in any court and shall be prima facie evidence of the correct method of determining the boundaries of any lot or lots within any such real estate development.

Description of land by reference in deed to control corner.

Use of control corner to fix distances and boundaries; prima facie evidence of correct method.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall become effective July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 212 **CHAPTER 817**

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES SO AS TO PROVIDE AN ADDITIONAL METHOD FOR SERVICE OF PROCESS UPON MOTOR VEHICLE DEALERS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following Section 1-107, to be designated Section 1-107.1, and to read as follows:

G. S., Ch. 1, amended.

SEC. 1-107.1. Service upon motor vehicle dealers not found within the State.

Service of process upon motor vehicle dealers not found within State, by service upon Commissioner of Revenue.

(a) The application for and obtaining of a license from the Commissioner of Revenue to engage in any business activity under the provisions of Subsection (4) of Section 105-89, relating to motor vehicle dealers, shall be deemed equivalent to the appointment by such licensee of the Commissioner of Revenue, or his successor in office, to be his true and lawful attorney upon whom may be served all summonses or other lawful process in any action or proceeding against such licensee resulting from any claim arising out of any business carried on or conducted pursuant to or authorized by said license, and said application for and obtaining of said license shall be a signification of his agreement that any such process against him shall be of the same legal force and validity as if served on him personally.

Method and sufficiency of service.

(b) Service of such process shall be made by leaving a copy thereof, with a fee of one dollar ($1.00), in the hands of said Commissioner of Revenue, or in his office, and such service shall be sufficient service upon the said licensee provided that notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff or Commissioner of Revenue to the defendant and the defendant's return receipt and the plaintiff's affidavit of compliance herewith are appended to the summons or other process and filed with said summons, complaint and other papers in the cause. The court in which the action is pending shall order such continuance as may be necessary to afford the defendant reasonable opportunity to defend the action.

Copy of process sent by registered mail to defendant.

Record of processes kept by Revenue Commissioner.

(c) The Commissioner of Revenue shall keep a record of all such processes, which shall show the day and hour of service upon him. When the registry return receipt shall be returned to the Commissioner of Revenue, he shall deliver it to the plaintiff on request and keep a record showing the date of its receipt by him and its delivery to the plaintiff.

Prerequisite for use of method of service provided by this Act.

(d) Service of process may not be made by the method provided in this Section unless the person on whom the service is to be made cannot, after due diligence, be found in this State, and that fact is established by affidavit to the satisfaction of the court or a judge thereof.

G. S. § 1-108, amended, to include reference to this Act.

SEC. 2. Section 1-108 of the General Statutes is hereby amended by striking out the phrase "1-104 through 1-107" and inserting in lieu thereof the following:

1-104 through 1-107.1.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective May 31st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 289 **CHAPTER 818**

AN ACT ESTABLISHING A DIVISION OF SPECIAL INSTRUCTION IN THE STATE DEPARTMENT OF PUBLIC INSTRUCTION TO FOSTER AND PROMOTE THE ESTABLISHMENT OF SPECIAL CLASSES OF INSTRUCTION FOR HANDICAPPED CHILDREN IN THE PUBLIC SCHOOLS; TO CONDUCT CLASSES OF SPECIAL INSTRUCTION FOR ADULT HANDICAPPED INDIVIDUALS; TO AUTHORIZE THE ESTABLISHMENT OF STANDARDS FOR INSTRUCTORS OF HANDICAPPED PERSONS AND TO FIX THEIR SALARIES; TO PROVIDE FOR ADDITIONAL GRANTS TO THE COUNTY SCHOOL BOARDS FOR THE ADDED COSTS OF CONDUCTING SUCH SPECIAL CLASSES AND COURSES OF INSTRUCTION FOR HANDICAPPED CHILDREN AND OTHER CHILDREN REQUIRING SPECIAL COURSES OF INSTRUCTION; TO REPEAL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. There is created within the State Department of Public Instruction a Division of Special Education for the promotion, operation, and supervision of special courses of instruction for handicapped, crippled, and other classes of individuals requiring special types of instruction. Division of Special Education created in State Department of Public Instruction. Purpose.

SEC. 2. The Division of Special Education shall be administered by a Director under the general supervision of the State Department of Public Instruction. The Director shall be appointed by the State Board of Education on the recommendation of the State Superintendent. The Director shall be qualified for his duties on the basis of education, training, and experience. Appointment of Director. Qualifications.

SEC. 3. In carrying out the functions of the Division of Special Edueation the Director, with the approval of the State Board, shall have and perform the following powers and duties: Powers and duties of Director.

Aid in organization of special schools, etc., for handicapped children; supervision.

A. To aid school districts in the organization of special schools, classes and instructional facilities for handicapped children, and to supervise the system of special education for handicapped children in the several districts of the State.

Instructors and courses for handicapped adults.

B. To employ instructors and establish special courses of instruction for adult handicapped individuals.

Teacher standards.

Examination and certification of teachers.

C. To establish standards for teachers to be employed under the provisions of this Act, to give examinations for teachers who qualify to teach handicapped individuals and to issue certificates to teachers who qualify for such teaching.

Plans for special education.

D. To adopt plans for the establishment and maintenance of day classes in schools, home instruction and other methods of special education for handicapped individuals.

Courses of study and curriculum prescribed.

Minimum requirements for admission of students.

E. To prescribe courses of study and curriculum for special schools, special classes and special instruction of handicapped individuals, including physical and psychological examinations and to prescribe minimum requirements for handicapped persons to be admitted to any such special schools, classes, or instruction.

Determination of eligibility of handicapped persons.

F. To provide for recommendation by competent medical and psychological authorities of the eligibility of handicapped persons for admission to, or discharge from, special schools, classes, schools or instruction.

Cooperation with school districts.

G. To cooperate with school districts in arranging for a handicapped child to attend school in a district other than the one in which he resides when there is no available special school, classes or instruction in the district in which he resides.

Cooperation with other State agencies.

H. To cooperate with existing agencies such as the State Department of Public Welfare, the State Department of Public Health, the State Schools for the Blind and Deaf, the State Tuberculosis Sanatoria, the children's hospitals, or other agencies concerned with the welfare and health of handicapped individuals, in the coordination of their educational activities.

Study of needs, methods, etc.

I. To investigate and study the needs, methods, and costs of special education for handicapped persons.

Rules and regulations.

J. To make rules and regulations to carry out the foregoing powers and duties.

Duties of State Board of Education.

SEC. 4. The State Board of Education, subject to available appropriations for carrying out the purpose of this Act, shall

Reimbursement of cooperating school districts.

A. Adopt plans for equitable reimbursement of school districts for costs in carrying out programs of special education as provided for herein.

B. Provide for the purchase and otherwise acquire special equipment, appliances, and other aides for use in special education and to loan or lease same to school districts under such rules and regulations as the Department may prescribe.

Acquisition of special equipment; availability to school districts.

C. Establish and operate special courses of instruction for handicapped individuals and in proper case provide bedside training in hospitals, sanatoria, and such other places as the Director finds proper.

Operation of special courses of instruction in hospitals, etc.

SEC. 5. Any person with a physical or mental handicap shall be eligible for appropriate special instruction provided for in accordance with this Act. For the purpose of this Act a handicapped individual shall be deemed to include any person with a physical or mental handicap.

Eligibility for special instruction.

Definition of handicapped person.

SEC. 6. The Board of Education of any school district which has one or more handicapped individual, with the approval of the Superintendent of Public Instruction and the State Board of Education, may establish and organize suitable special classes or instruction in regular classes or in the homes and may provide special instruction as part of the school system for such handicapped individuals as are entitled to attend schools therein. In case of the deaf or the hard of hearing and speech defective children, if it is more economical to do so, the Director of Special Education, under the direction of the State Superintendent and with the approval of the State Board of Education, may set up facilities for a county-wide plan to provide itinerate lip reading or speech teachers. In the event there are not enough children of any special class, such children may be transferred to a school in a school district where such special classes have been established. Such transfers may be made by mutual agreement of the school authorities, subject to the approval of the Director of Special Education.

Provision for special classes for handicapped persons by local school districts.

Special training for deaf and speech-defective children.

Transfers to school district having special classes.

SEC. 7. Any school district which has maintained a previously approved program of Special Education for handicapped individuals during any school year shall be entitled to and receive reimbursement from the State as determined by the State Board of Education for the excess cost of instruction of the individuals in said program of special education above, the cost of instruction of pupils in the regular curriculum of the district which shall be determined in the following manner:

Provision for reimbursement of school districts having special education for handicapped persons.

Each board shall keep an accurate, detailed, and separate account of all monies paid out by it for the maintenance of each of the types of classes and schools for the instruction and care of pupils attending them and for the cost of their transportation, and should annually report thereon, indicating the excess

Accounts and reports by school boards.

cost for each elementary or high school pupil for the school year ending in June, over the last ascertained average cost for the instruction of normal children in the elementary public schools or public high schools as the case might be, of the school district for a like period of time of attendance as such excess is determined and computed by the board and make claim for the excess as follows:

Application for reimbursement for excess cost to Superintendent of Public Instruction and Controller.

Applications for reimbursement for excess costs must first be submitted through the Office of the Director of Special Education to the Superintendent of Public Instruction and the Controller of the State Board of Education. If such applications are approved by them claims for excess cost shall be made as follows:

Approval by County Superintendent of Schools.

(a) To the County Superintendent of Schools, in triplicate, on or before July 15th, for approval on vouchers prescribed by the Director of Special Education, the vouchers indicating the excess cost computed in accordance with rules prescribed by said Director. The County Superintendent of Schools shall provide the Director of Special Education with two copies of the vouchers on or before August 1st.

Approval by Controller of State Board of Education.

(b) The Controller of the State Board of Education, before approving any such voucher, shall determine whether such claim is in fact eligible for the special educational service and whether the special educational services set forth in the application for State aid was in fact rendered him by the school board.

Effect of failure by school board to certify report of claims for excess costs.

(c) Failure on the part of the school board to prepare and certify the report of claims for excess costs on or before July 15th, of any year, and if failure thereafter to prepare and certify such reports to the Director of Special Education within ten days after receipt of notice of such delinquency sent to it by the Director of Special Education by registered mail, shall constitute a forfeiture of the school district of its right to be reimbursed by the State for the excess cost of education of such children for such year.

Power of State Education Board to receive contributions.

SEC. 8. The State Board is hereby authorized to receive contributions and donations to be used in conjunction with any appropriations that may be made to carry out the provisions and requirements of this Act.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 317 **CHAPTER 819**

AN ACT TO AMEND THE CHARTER OF AND TO PROVIDE FOR THE HOLDING OF PRIMARIES FOR NOMINATION OF CANDIDATES FOR MUNICIPAL ELECTIONS IN THE TOWN OF NASHVILLE IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Laws relating to nomination of candidates for Mayor and Commissioner, Nashville, amended.

SECTION 1. That all laws relating to the method of nominating candidates for the office of Mayor and Members of the Board of Commissioners in the Town of Nashville are hereby amended so as to provide as follows:

Nomination by non-partisan primary election.

(1) Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and commissioners, or any other elective officers, are to be elected, shall be nominated by a non partizan primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter provided.

Date of primary.

Election officials.

Conduct of primary election.

(2) How primaries are held. The primary election for such nominations shall be held on the fourth Tuesday proceeding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for the general municipal elections.

Notice of candidacy.

(3) Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor, commissioner or other elective office shall, at least ten days prior to the primary election, file with the town clerk a notice of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
COUNTY OF NASH

Form of notice.

I, ..., hereby give notice that I reside in the Town of Nashville, County of Nash, State of North Carolina; that I am a candidate for nomination

to the office of mayor, commissioner (strike out inapplicable part), to be voted upon at the primary election to be held on Tuesday, the ..... day of ....., 19....., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

Filing fee.

(Signed) .....

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

Primary election not to be held under certain circumstances.

In the event that not more than two persons shall file notices of their candidacy for the office of mayor, and not more than eight persons shall file notices of their candidacy for the office of commissioners, as hereinabove provided, than and in that event such primary election shall not be held but in lieu thereof the names of all such persons so qualifying as candidates for each elective office shall be declared by the clerk as candidates for the respective offices for which they have filed, and their names shall be placed on the official ballot for the next ensuing general municipal election.

Declaration of nominees, when no primary required.

Publication of names of candidates.

(4) Publication of names. Immediately upon the expiration of the time for filing the notices of candidates, the town clerk shall cause to be posted at the mayor's office, in proper form, the names of persons as they are to appear upon the primary or on the general election ballots.

Preparation of ballots.

(5) Ballots prepared. If more than two candidates shall file for the office of mayor or more than eight candidates shall file for the office of commissioners the clerk shall thereupon cause the primary ballots to be printed. Upon the ballot the names of the candidates for mayor, arranged alphabetically, shall be placed with a square at the left of each name, and immediately below shall appear the words, "Vote for one." And upon the ballots in like manner shall be placed, alphabetically, the names of the candidates for commissioner, with instructions to vote for four.

Registration of voters for primary.

(6) Registration. The registration book for the general election shall be the registration book for the primary. The registration book shall be open on the day of the primary for the registration only of voters who have become eligible to register since the last general municipal election. Persons who will become eligible to register and vote on or before the next municipal general election shall be eligible to vote in the primary.

(7) Ballots counted. Judges of elections shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk.

Counting of ballots.

Election returns.

(8) Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of commissioners, shall canvass such returns so received, and shall post the results at the mayor's office. The canvass by the town clerk shall be publicly made.

Canvass of returns.

(9) Who to be candidates. The two candidates receiving the highest number of votes for mayor and eight candidates receiving the highest number of votes for commissioners shall be the only candidates whose names shall be placed upon the ballot for mayor and commissioners at the next succeeding general municipal election.

Determination of candidates nominated for general municipal election.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 330 **CHAPTER 820**

AN ACT TO AMEND CHAPTER 57 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO NON-PROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 57-3 of the General Statutes is hereby amended by striking therefrom the words: "unless otherwise authorized by the commissioner of insurance," appearing on lines 15 and 16 thereof and inserting in lieu thereof the following:

G. S. § 57-3, amended, as to method of satisfaction of contract for service by hospital and medical service corporations.

or direct to the subscriber or his, her, or their legal representatives upon the receipt by the corporation from the subscriber of a statement marked paid by the hospital(s) and/or physician(s) or both rendering such service, and all such payments heretofore made are hereby ratified.

G. S. § 57-6, as to license of hospital service corporations, amended.

SEC. 2. That Section 57-6 of the General Statutes is hereby amended by adding at the end of Subsection (a) after the word "corporation" and before the period appearing therein the words:

as defined by this Act.

G. S. § 57-7, amended.

SEC. 3. That Section 57-7 of the General Statutes is hereby amended by the striking out of Subsection 2 thereof and inserting in lieu thereof the following:

Issuance of contracts for medical and hospital benefits covering bona fide family.

2. Contracts may be issued which entitle one or more persons to benefits thereunder, provided that persons entitled to benefits thereunder, other than the certificate holder, are either spouse, lawful or legally adopted child of the certificate holder or his spouse, or other members of the immediate family of the certificate holder who reside in the same household with certificate holder and are legally, equitably, or morally dependent upon and rely upon certificate holder to a material degree for the reasonable necessities of life, such as food, clothing, lodging, maintenance, support, and/or education.

G. S. § 57-7, amended further.

SEC. 4. That Section 57-7 of the General Statutes is hereby amended by striking therefrom the second sentence of Subsection 5 and in lieu thereof inserting the following:

Adjustment of rates for master group contract.

Any such contract may provide for the adjustment of the rate of the premium or benefits conferred as provided in said contract, and in accordance with an adjustment schedule filed with and approved by the commissioner of insurance.

G. S. § 57-8, amended, as to contingent reserves, hospital service corporations.

SEC. 5. That Section 57-8 of the General Statutes is hereby amended by striking out the word "three" where it appears in line 28 thereof and inserting in lieu thereof the word "six."

G. S. § 57-15, amended.

SEC. 6. That Section 57-15 of the General Statutes is hereby repealed and in lieu thereof a new Section 57-15 is hereby adopted as follows:

Procedure for amending charter of hospital and medical service corporations.

Section 57-15. Amendments to Certificate of Incorporation.

Any corporation subject to the provisions of this Act may hereafter amend its charter in the following manner only:

Meeting of governing authority.

1. (a) A meeting of the board of directors, trustees or other governing authority shall be called in accordance with the bylaws specifying the amendment to be voted upon at such meeting.

(b) If at such meeting two-thirds of the directors, trustees or other governing authority present vote in favor of the proposed amendment, then the president and secretary shall under oath make a certificate to this effect, which certificate shall set forth the call for such meeting, a statement showing service of such call upon all directors, and a certified copy of so much of the minutes of the meeting as relate to the adoption of the proposed amendment;

Adoption of proposed amendment.

Certificate.

(c) Said officers shall cause said certificate to be published once a week for two consecutive weeks in a newspaper in Raleigh and in the county where the corporation's principal office is located, or posted at the courthouse door if no newspaper be published within the county. Said printed or posted notices shall be in such form and of such size as the commissioner may approve, and in addition to setting forth in full the certificate required in paragraph (b) shall state that application for amending the corporation's charter in the manner specified has been proposed by the board of directors, trustees, or other governing authority, and shall also state the time set for the meeting of certificate holders thereby called to be held at the principal office of the corporation to take action on the proposed amendment. A true copy of such notice shall be filed with the commissioner. Such publication and filing of notice shall be completed at least thirty days prior to the date set therein for the meeting of the certificate holders and due proof thereof shall be filed with the commissioner at least fifteen days prior to the date of such meeting. If the meeting at which the proposed amendment is to be considered is a special meeting, rather than a regular annual meeting of certificate holders, such special meeting can be called only after the commissioner has given his approval in writing, and the published notice shall show the fact of such approval. At said meeting those present, in person or represented by proxy, shall constitute a quorum.

Publication of certificate of amendment.

Additional statement required in publication.

Copy of notice filed with Commissioner.

Notice of special meeting of certificate holders.

Quorum.

(d) If at such certificate holders' meeting two-thirds of those present, in person or by proxy, shall vote in favor of any proposed amendment, the president and secretary shall make a certificate under oath setting forth such fact together with the full text of the amendment thus approved. Said certificate shall, within thirty days after such meeting, be submitted to the commissioner for his approval as conforming to the requirement of law, and it shall be the duty of the commissioner to act upon all proposed amendments within ten days after the filing of such certificates with him. Should the commissioner approve

Approval of proposed amendment by certificate holders.

Approval by Commissioner.

Certification of amendment to Secretary of State.

the proposed amendment, or amendments, he shall certify this fact, together with the full text of such amendments as are approved by him to the Secretary of State who shall thereupon issue the charter amendment in the usual form. Should the commissioner disapprove of any amendment, then the same shall not be allowed.

Effect of disapproval by Commissioner.

Validation of certain charters and amendments.

2. All charters and charter amendments heretofore issued upon application of the board of directors, trustees or other governing authority of any corporations subject to the provisions of this Chapter are hereby validated.

G. S. § 57-16, amended, relating to cost plus plans, hospital and medical service.

SEC. 7. That Section 57-16 of the General Statutes is hereby amended by striking out the word "employee" where it appears in lines 7, 8 and 25 thereof, and by striking out the phrase "doing business in this State," where that phrase appears in lines 4, 5 and 7 and inserting in lines 4, 5 and 7 in lieu of "doing business in this State" the words "or any subsidiary or subsidiaries thereof, municipal corporation, State, Federal Government, or any agency thereof;" and by adding the words "or any subsidiary or subsidiaries thereof, municipal corporation, State, Federal Government, or any agency thereof" after the word "association" appearing in lines 10 and 24 thereof, and by inserting after the "comma" and before the word "provided" in line 11 the following:

provided said other corporation, firm, group, partnership, or association, or any subsidiary or subsidiaries thereof, municipal corporation, State, Federal Government, or any agency thereof shall have had an active existence for at least one (1) year preceding the establishment of such plan, and was formed for purposes other than procuring such group hospitalization and/or medical service coverage on a cost plus administrative expense basis, and.

G. S., Ch. 57, amended.

SEC. 8. That Chapter 57 of the General Statutes is hereby amended by adding a new Section to be designated as Section 57-19 as follows:

Merger or consolidation of hospital and medical service corporations.

Section 57-19. Merger or consolidation, proceedings for. Any two (2) or more hospital and/or medical service corporations organized under and/or subject to the provisions of this Chapter as determined by the commissioner of insurance may, as shall be specified in the agreement hereinafter required, be merged into one of such constituent corporations, herein dsignated as the surviving corporation, or may be consolidated into a new corpration to be formed by the means of such consolidation of

the constitutent corporation, which new corporation is herein designated as the resulting or consolidated corporation, and the directors and/or trustees, or a majority of them of such corporations as desire to consolidate or merge, may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect and stating such other facts as can be stated in the case of a consolidation of merger, stated in such altered form as the circumstances of the case require, and with such other details as to conversion of certificates of the subscribers as are deemed necessary and/or proper;

Merger or consolidation agreements.

Said agreement shall be submitted to the certificate holders of each constituent corporation, at a separate meeting thereof, called for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication once a week for two consecutive weeks in some newspaper published in Raleigh, North Carolina and in the counties in which the principal offices of the constituent corporations are located, and if no such paper is published in the county of the principal office of such constituent corporations, then said notice shall be posted at the courthouse door of said county or counties for a period of two weeks.

Submission of agreement to certificate holders of each corporation involved.

Notice of meeting of certificate holders.

Said printed or posted notices shall be in such form and of such size as the commissioner of insurance may approve. A true copy of said notices shall be filed with the commissioner of insurance.

Form of notice.

Such publication and filing of notices shall be completed at least fifteen (15) days prior to the date set therein for the meeting, and due proof thereof shall be filed with the commissioner of insurance at least ten days prior to the date of such meeting.

Publication and filing of notices; proof.

At this meeting those present, in person or represented by proxy, shall constitute a quorum and said agreement shall be considered and voted upon by ballot in person or by proxy or both taken for the adoption or rejection of the same; and if the votes of ⅔ of those at said meeting, voting in person or by proxy, shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the president and secretary of each such corporation, under the seal thereof;

Voting on question of merger by certificate holders.

Certification of agreement.

The agreement so adopted and certified shall be signed by the president or vice president and secretary or assistant secretary of each of such corporations under the corporate seals thereof and acknowledged by the president or vice president of each such corporation before any officer authorized by the laws of this State to take acknowledgment of deeds to be the respective act, deed, and agreement of each of said corporations.

Submission of merger agreement to Insurance Commissioner for approval.

The said agreement shall be submitted to and approved by the commissioner of insurance, in advance of the merger or consolidation and his approval thereof shall be indicated by his signature being affixed thereto under the seal of his office.

Duty of Commissioner on question of approval.

The commissioner shall not approve any such plans, unless, after a hearing, he finds that it is fair, equitable to certificate holders and members, consistent with law, and will not conflict with the public interest.

Upon approval, merger agreement filed with Secretary of State.

The agreement so certified and acknowledged with the approval of the commissioner of insurance noted thereon, shall be filed in the office of the Secretary of State, and shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said corporations; and a copy of said agreement and act of consolidation or merger duly certified by the Secretary of State under the seal of his office shall also be recorded in the office of the Clerk of the Superior Court of the county of this State in which the principal office of the surviving or consolidated corporation is, or is to be established, and in the office of the Clerks of the Superior Courts of the counties of this State in which the respective corporations so merging or consolidating shall have their original certificates of incorporation recorded, and also in the office of the register of deeds in each county in which either or any of the corporations entering into merger or consolidation owns any real estate; and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such consolidation or merger. When an agreement shall have been signed, authorized, adopted, acknowledged, approved, and filed and recorded as hereinabove set forth in this Section, for all purposes of the laws of this State, the separate existence of all constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case

Recording of merger agreement with Clerk of Superior Court.

Recording in office of Register of Deeds in certain cases.

Effect of merger.

may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, of each of said constituent corporations, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, shall be vested in the corporation resulting from or surviving such consolidation or merger, and all property, rights, privileges, powers, and franchises and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and respective constituent corporations, and the title to any real estate, whether vested by deed or otherwise, under the laws of this State, vested in any such constituent corporations shall not revert or be in any way impaired by reason of such consolidation or merger; *provided, however,* that all rights of creditors and all liens upon the property of either of or any of said constituent corporations shall be perserved, unimpaired, limited in lien to the property affected by such lien at the time of the merger or consolidation, and all debts, liabilities, and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities, and duties had been incurred or contracted by it; and further provided that notice of any said liens, debts, liabilities, and duties is given in writing to the resulting or surviving corporation within six months after the date of the filing of the agreement of merger in the Office of the Secretary of State. All such liens, debts, liabilities, and duties of which notice is not given as provided herein are forever barred. The certificate of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that the changes in its certificates of incorporation are stated in the agreement of merger. All certificates theretofore issued and outstanding by each constituent corporation and in good standing upon the date of the filing of such agreement with the Secretary of State without reissuance thereof by the resulting or surviving corporation shall be the contract and agreement of the resulting or surviving corporation with each of the certificate holders thereof and subject to all terms and conditions thereof and of the agreement of merger filed in the Office of the Secretary of State.

Rights and powers of new corporation under merger.

Effect upon real estate titles.

Rights of creditors.

Enforcement of debts and liabilities of constituent corporations against new corporation.

Notice to new corporation of debts, liens, etc.

Effect of failure to give timely notice.

Effect of merger agreement on charter of surviving corporation.

Effect on outstanding certificates for hospital service.

Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted to judgment as if such consolidation or merger had not taken place, or the corporations resulting from or surviving such consolidation or merger may be substituted in its place.

Effect of merger on pending litigation against constituent corporations.

Further clarification of rights and remedies of certificate holders and creditors.

The liability of such constituent corporations to the certificate holders thereof, and the rights or remedies of the creditors thereof, or persons doing or transacting business with such corporations, shall not, in any way, be lessened or impaired by the consolidation or merger of two or more of such corporations under the provisions of this Section, except as provided in this Section.

Effect of merger as to contracts for hospital and medical service.

When two or more corporations are consolidated or merged the corporation resulting from or surviving such consolidation or merger shall have the power and authority to continue any contracts which any of the constituent corporations might have elected to continue. All contracts entered into between any constituent corporations and any other persons shall be and become the contract of the resulting corporations according to the terms and conditions of said contract and the agreement of consolidation or merger.

Fees of Secretary of State for filing merger agreement.

For the filing of the agreement as hereinabove provided, the Secretary of State is entitled to receive such fees only as he would have received had a new corporation been formed.

Rights of subscribers, certificate holders, etc., indicating disapproval of merger.

Any agreement for merger and/or consolidation as shall conform to the provisions of this Section, shall be binding and valid upon all the subscribers, certificate holders and/or members of such constituent corporations, provided only that any subscriber, certificate holder and/or member who shall so indicate his disapproval thereof to the resulting, consolidated or surviving corporation within ninety days after the filing of said agreement with the Secretary of State shall be entitled to receive all unearned portions of premiums paid on his certificate from and after the date of the receipt of the application therefor by the resulting, surviving, or consolidated corporation; each subscriber, certificate holder and/or member who shall not so indicate his or her disapproval of said agreement and said merger within said period of ninety days is deemed and presumed to have approved said agreement and said merger and/or consolidation and shall have waived his or her right to question the legality of said merger and/or consolidation;

Effect of failure to indicate timely disapproval.

Compensation for promoting merger; prohibited.

No director, officer, subscriber, certificate holder and/or member as such of any such corporation, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatever, for in any manner aiding, promoting or assisting in the merger or consolidation.

G. S., Ch. 57, amended further.

SEC. 9. That Chapter 57 of the General Statutes is amended by adding thereto a new Section to be designated as Section 57-20 as follows:

Power of Insurance Commissioner to determine corporations exempt from Chapter.

Section 57-20. Commissioner of insurance determines corporations exempt from this Chapter. The commissioner of insurance may require from any corporation writing any hospital service contracts and any corporation writing medical service contracts or both, such information as will enable him to determine whether such corporation is subject to the provisions of this Chapter.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 331 **CHAPTER 821**

AN ACT AUTHORIZING MUNICIPAL CORPORATIONS TO ACQUIRE, MANAGE AND CONTROL CERTAIN LANDS FOR CEMETERY PURPOSES, AND AUTHORIZING APPROPRIATIONS FOR SUCH PURPOSES.

The General Assembly of North Carolina do enact:

Municipal corporations empowered to appropriate and take possession of certain lands used as cemetery.

SECTION 1. In any case where property not under the control or in the possession of any church or religious organization in any town or municipality has been heretofore set aside or used for cemetery purposes, and the trustees or owners named in the deed or deeds for said property have died, or are unknown, or the deeds of conveyance have been lost or misplaced and no record of title thereto has been found, and said property has been occupied and used for burial purposes for a time sufficient to identify its use as cemetery property, the municipality in which any such cemetery property is located is hereby authorized and empowered in its discretion to appropriate and take possession of all such land within its corporate limits which has heretofore been used for cemetery purposes and such adjoining land not held or owned by known claimants of title, and to cause the same to be surveyed and lines established and to designate and appropriate the said property as a cemetery, or burial ground.

Establishment of lines; continued use as cemetery.

Use of cemeteries for burial of dead, according to race.

SEC. 2. In the event said property has been heretofore used exclusively for the burial of members of the negro race, then said cemetery or burial ground so established shall remain and be

established as a burial ground for the negro race. In the event said property has been heretofore used exclusively for the burial of members of the white race, then said cemetery or burial ground so established shall remain and be established as a burial ground for the white race.

Subdivision of cemetery into burial plots.

SEC. 3. Said town or municipality shall have power and authority in such cases to cause the same to be subdivided and to lay off and allot for family burial plots any property heretofore appropriated or used for burial purposes for or by different families without any charge therefor, and to cause the remainder of said property to be subdivided and laid off into lots; and shall have the power and authority to sell to any person or persons for burial purposes, any of said lots so subdivided and surveyed, except those heretofore appropriated as referred to in this Section of this Act, and use the proceeds of such sale for the improvement and upkeep of said cemetery property.

Sale of lots.

Use of proceeds.

Appropriation of funds for improvement and maintenance of cemeteries.

SEC. 4. In the event any town or municipality appropriates or takes possession of land used for cemetery purposes as set forth and described herein, it is further authorized and empowered to appropriate and use such funds as may be necessary and proper for the improvement and maintenance of said cemetery; and all statutes and ordinances heretofore enacted and passed relative to cemeteries in said town or municipality, are hereby made applicable to said cemetery property.

Application of pertinent existing statutes and ordinances.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 346 CHAPTER 822

AN ACT RELATING TO THE REGULATION OF AND THE SAFETY IN THE DESIGN, CONSTRUCTION, LOCATION, INSTALLATION AND OPERATION OF EQUIPMENT FOR STORING, HANDLING, TRANSPORTING AND UTILIZING LIQUEFIED PETROLEUM GASES FOR FUEL PURPOSES.

The General Assembly of North Carolina do enact:

"Liquefied Petroleum Gas," defined.

SECTION 1. As used in this Act, the term "Liquefied Petroleum Gas" shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or

mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes.

Declaration of necessity for regulations relating to liquefied petroleum gases, equipment, etc.

SEC. 2. It is hereby declared that the regulation of the design, construction, location, installation and operation of equipment for the storing, handling, transporting by tank truck, tank trailer or otherwise and the utilization of liquefied petroleum gases and the specification of the odorization of said gases and the degree thereof are matters necessary to the preservation of the public health and safety. To that end, the Commission of Insurance shall make and promulgate regulations setting forth minimum general standards covering the design, construction, location, installation and operation of the equipment for storing, handling, transporting by tank truck, tank trailer or otherwise and the utilization of liquefied petroleum gases and the specification of the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection, health, welfare and safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same and in conformity with the published standards of the National Board of Fire Underwriters and as recommended by the National Fire Protection Association. Such regulations when adopted by the Commissioner of Insurance shall be filed in the office of the Secretary of State as provided by law.

Authority of Insurance Commissioner to make regulations.

Nature and extent of regulations.

Regulations filed with Secretary of State.

Regulation of use of liquefied petroleum gas containers.

SEC. 3. No person, firm or corporation other than the owner or those authorized by the owner so to do shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purpose whatsoever.

Punishment for violations of Act.

SEC. 4. It shall be unlawful for any person, firm, association or corporation on or after the effective date of this Act to violate any of the provisions hereof or of the lawful regulations of the Commissioner of Insurance made pursuant hereto. Any person, firm, association or corporation violating any provisions of this Act or said regulations hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment or by both fine and imprisonment in the discretion of the court.

Limitation of rights of municipalities to adopt regulations.

SEC. 5. No municipality or other political subdivision shall adopt or enforce any regulation in conflict with the provisions of this Act or with the regulations promulgated pursuant hereto by the Commissioner of Insurance.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 7. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 361 **CHAPTER 823**

AN ACT TO AMEND CHAPTER 97 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO INCREASING CERTAIN BENEFITS OF THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

G. S., Ch. 97, Workmen's Compensation Act, amended.

SECTION 1. Chapter 97 of the General Statutes of North Carolina is hereby amended as follows:

G. S. § 97-29, amended, increasing compensation rates for total incapacity.

(1) Amend Section 97-29 as it appears in Cumulative Supplement of 1945 by striking out the words "twenty-one" in line 7 and inserting in lieu thereof the words "twenty-four"; and by striking out the word "seven" in line 7 and inserting in lieu thereof the word "eight";

And by inserting after the period following the word "dollars" and before the word "the" in line 11, the following:

Period of payments for total disability from certain types of paralysis.

Except that in cases in which total disability is due to paralysis resulting from injuries to the spinal cord, compensation including reasonable and necessary medical and hospital care shall be paid during the life of the injured employee, without regard to the 400 weeks limited herein, or to the six thousand dollars ($6,000.00) maximum compensation under this Act. *Provided, however,* should death result from the injury and within 350 weeks from the date of the accident and before the maximum compensation is paid, compensation for the remaining weeks or until the full six thousand dollars ($6,000.00) including two hundred dollars ($200.00) funeral expense shall be paid as in any other death case and as provided for in Sections 97-38 and 97-40 of this Act.

Payment of balance due, in event of death within stated period.

Powers of Industrial Commission to use second injury fund in paralysis cases.

In cases of total and permanent disability due to paralysis resulting from an injury to the spinal cord the Commission may, in its discretion taking into consideration the financial need and necessity of the injured employee, enter an award and pay compensation and reasonable, necessary medical, nursing

and hospital expenses from the second injury fund during the life of the injured employee where the injury occurred prior to the effective date of this amendment and compensation is still being paid or in cases where the last payment of compensation has been made within two years prior to ratification of this amendment; such medical, nursing and hospital expenses to be paid only from the effective date of this amendment and after the employer's liability for compensation, medical, nursing and hospital expenses has ceased; *provided* funds are available after paying claims in second injury cases; *provided further* should the fund be insufficient to pay compensation, medical, nursing and hospital expenses, then the said expenses shall be paid first and compensation thereafter according to the availability of funds.

Priority of expenses over compensation payments, when funds insufficient for both.

And said Section is further amended by striking out the word "eighteen" in line 14 and inserting in lieu thereof the words "twenty-four";

Section further amended as to compensation rates.

And by striking out in line 18 the word "seven" and inserting in lieu thereof the word "eight".

(2) Amend Section 97-30 by striking out the words "twenty-one" in line 10 and inserting in lieu thereof the words "twenty-four".

G. S. § 97-30, amended, to effectuate increase of compensation rates, partial disability.

(3) Amend Section 97-37 by striking out, beginning in line 7, the words "to his next of kin dependent upon him for support", and inserting in lieu thereof the words:

G. S. § 97-37, amended, as to disposition of unpaid compensation upon death of employee.

First, to the surviving whole dependents; second, to partial dependents, and, if no dependents, to the next of kin as defined in the Act; if there are no whole or partial dependents or next of kin as defined in the Act, then to the personal representative and Second Injury Fund as provided in the Act.

(4) Amend Section 97-38 by striking out the word "twenty" in line 11 and the word "one" in line 12 and inserting in lieu thereof the words "twenty-four"; and by striking out in line 12 the word "seven" and inserting in lieu thereof the word "eight".

G. S. § 97-38, amended, to increase death benefits.

(5) Amend Section 97-41 by adding at the end of said Section the following:

G. S. § 97-41, amended.

except in cases of total disability due to paralysis resulting from injuries to the spinal cord when the terms of Section 97-29 shall apply.

Exception as to maximum compensation, in certain paralysis cases.

(6) Amend Section 97-47 by striking out the period after the word "article" at the end of said Section, and inserting in lieu thereof a comma, and by adding the following:

G. S. § 97-47, amended.

Limitation of time for review of cases involving only medical or other treatment bills.

except that in cases in which only medical or other treatment bills are paid, no such review shall be made after twelve months from the date of the last payment of bills for medical or other treatment, paid pursuant to this Act.

G. S. § 97-78(c), amended, as to certification of expenses by Commissioners.

(7) Amend Section 97-78 (c) by striking out the words "sworn to" in line 5 and inserting the word "certified".

G. S. § 97-86, amended.

(8) Amend Section 97-86 by inserting after the period following the word "actions" and before the word "the" in line 16, the following:

Time for preparation of transcript of record, upon appeal.

Provided the Commission shall have sixty days after receipt of notice of appeal, properly served on the opposing party and the Industrial Commission, within which to prepare and furnish to the appellant or his attorney a certified transcript of the record in the case for filing in Superior Court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after ratification.

In the general Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 374 CHAPTER 824

AN ACT TO AMEND CHAPTER 433 OF THE SESSION LAWS OF 1943 RELATING TO THE ALCOHOLIC BEVERAGES CONTROL BOARD AND THE CONTROL AND SALE OF ALCOHOLIC BEVERAGES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Ch. 433, Session Laws, 1943, amended.

SECTION 1. That Chapter 433 of the Session Laws of 1943 is hereby rewritten so that the same shall hereafter read as follows:

Creation of A. B. C. Board, Halifax County.

Section 1. That there is hereby created and set up a board which shall be designated as the Alcoholic Beverages Control Board of Halifax County, hereinafter referred to as the Board.

Appointment of members.

The Board shall consist of five members, and the hereinafter named persons are hereby appointed as members of the Board as follows: Samuel Pierson, of Enfield; John F. Vincent, of Roanoke Rapids; Hubert H. Riddick, of Scotland Neck; Walter

D. Allen, of Weldon; R. H. Ward, of Littleton. The five members of said Board, herein appointed under the provisions of this Act, shall on or before the fifteenth day of April, 1947, meet and qualify by taking the oath of office prescribed by Statute for public officers, and by filing a bond in the amount of five thousand dollars ($5,000.00) to be approved by the Clerk of the Superior Court of Halifax County. The bond so filed shall be conditioned upon the full and faithful discharge of all duties imposed upon the members of the Board by this Act and all other provisions of law. The cost of said bonds shall be paid from the funds belonging to said Board. The members of the Board herein appointed shall hold office for a period of two years from and after the fifteenth day of April, 1947. Their successors shall be appointed by a subsequent Act of the General Assembly, and all vacancies, for any reason whatsoever, occurring during the term of office of any of said members of the Board shall be filled by the Alcoholic Beverages Control Board of Halifax County. The members of the Board shall immediately, upon qualifying for office, organize and elect a chairman.

Oath.

Bond.

Terms.

Vacancies filled.

Organization; election of chairman.

Sec. 2. The members of the Alcoholic Beverages Control Board of Halifax County shall receive the same per diem and mileage as that paid to the members of the Halifax County Board of Commissioners for the time actually spent in the performance of their official duties.

Compensation.

Sec. 3. The Alcoholic Beverages Control Board of Halifax County, created by this Act, shall possess all power and authority which is necessary and proper in carrying out the provisions of the law relative to the sale and distribution of intoxicating beverages in regular stores set up and operated under the provisions of the Alcoholic Beverages Control Act.

General powers.

Sec. 4. The Alcoholic Beverages Control Board of Halifax County is authorized and empowered to employ a manager and such other personnel as may be found by the Board to be necessary in the operation of alcoholic beverage control stores in Halifax County and to fix the compensation of such manager and other employees. The manager employed by the Board shall give bond in the sum of ten thousand dollars ($10,000.00), to be approved by the Clerk of the Superior Court of Halifax County and filed and recorded in his office. Said bond shall be conditioned upon the full and faithful performance of all duties as manager of the alcoholic beverages control system and for the restoration to the Board, in the event of death or resignation, of all books, papers, vouchers, moneys, and other properties belonging to the Board or the system that may be in his possession

Employment of manager and other personnel.

Pay.

Bond of manager.

or control. The cost of said bond shall be paid by the Board from funds belonging to said Board. The manager shall perform such duties and exercise such authority as may be prescribed from time to time by the alcoholic beverages control board.

Duties of manager.

Transfer of moneys, property, etc., of present Board to new Board.

SEC. 5. The present Alcoholic Beverages Control Board of Halifax County, and their agent or agents, shall turn over to the Board created by this Act, on or before May 1st, 1947, all moneys, bank credits, stocks of merchandise, equipment, equity in contracts, books of records, bills receivable, accounts payable, and all other property and effects of any kind or nature used in or incident to the operation of the Alcoholic Beverages Control System in Halifax County. On April 30th, 1947, all alcoholic beverage control stores in Halifax County shall be closed and an inventory of all stocks, property, and other effects belonging to the Alcoholic Beverages Control System in Halifax County shall be taken jointly by the outgoing and incoming boards, or their agents. Such inventory shall be in writing and shall include the quantity and cost price of the stocks of merchandise and the number of articles and the value of other property. The inventory herein provided for shall be available to the auditor who shall make a complete audit of the affairs of said alcoholic beverages control system as of April 30th, 1947. That the profits heretofore accrued or hereafter accruing shall be distributed as follows:

Closing of stores for inventory.

Written inventory; contents.

Audit.

Distribution of net profits from A. B. C. stores.

After necessary deductions are made to provide for a proper reserve and to provide for operating expenses, as is now provided by law, all profits which accrue from the operation of Alcoholic Beverage Control Stores in Halifax County commencing April 1st, 1947, and quarterly thereafter, shall be distributed in the following manner:

Allocation of profits for law enforcement.

(1) Not less than five per cent (5%) nor more than ten per cent (10%) of the profits shall be allocated to law enforcement and expended by the Halifax County Alcoholic Beverages Control Board in the manner and for the purposes set out in Section 7 of Chapter 433 of the Session Laws of 1943.

Allocation for library service.

(2) The Halifax County Alcoholic Beverages Control Board shall set aside and pay over to the Halifax County Board of Commissioners such sum as may be required in order for the Alcoholic Beverages Control Board to pay for library service, two dollars ($2.00) for each one dollar ($1.00) available from the North Carolina Library Commission.

(3) After Subsections 1 and 2 of this Section have been complied with,

(a) Twenty-five per cent (25%) of the remaining profits shall be allocated and paid to the several municipal corporations within Halifax County where Alcoholic Beverage Control Stores are operated; such profits shall be allocated proportionately on the basis of the ratio of profits derived from the operation of the store or stores in any one municipality to the profits derived from the operation of all the stores in all of the municipalities in the county in which stores are operated; and

Allocation to municipalities having A. B. C. stores.

(b) Seventy-five per cent (75%) of the profits shall be paid to the Board of Commissioners of Halifax County; forty per cent (40%) of said seventy-five per cent (75%) shall be used by the County Commissioners for general county purposes; sixty per cent (60%) of said seventy-five per cent (75%) shall be allocated by the county commissioners and distributed to the Halifax County Board of Education, the Weldon City Administrative Unit and the Roanoke Rapids City Administrative Unit proportionately on a per capita school enrollment basis, and expended by the governing boards of the several school units for necessary expenses in their respective units.

Allocation to Halifax County.

Percentage for general purposes.

Percentage for school purposes.

(4) After the allocation of appropriations for law enforcement, the library fund and to the cities and towns of Halifax County as now provided by law, any net profits of the Halifax County Alcoholic Beverages Control Board on hand as of March 31st, 1947, and not required by the said Board for working capital, shall, if and when allocated by the said Board, be allocated one hundred per cent (100%) to the Board of Commissioners of Halifax County to be used for general county purposes: *Provided*, that any funds which have heretofore accumulated as profits from the operation of the County A.B.C. Stores and which have been turned over to the county board of commissioners for debt service, and which are certified by the county auditor as not required for debt service, shall be turned over to the county board of commissioners to be used for general county purposes.

Balance allocated to County for general purposes.

Use of accumulated profits previously allocated for debt service.

SEC. 6. The books and records of the alcoholic beverages control system shall be audited quarterly by the auditor or auditing firm employed to do the regular county auditing, and said quarterly audits shall be made available to the Board of County Commissioners of Halifax County, and to the radio and press for inspection and review.

Quarterly audits.

Open to press and radio.

SEC. 7. The amount of funds allocated by the Board to law enforcement shall be expended by the Board in such a manner as to secure the maximum amount of results, and to this end

Use of funds in law enforcement activities.

the said Board is authorized and empowered to expend said funds in cooperation with the Sheriff's department of Halifax County, and in the discretion of the said Board, where greater efficiency in law enforcement will result, such funds may be expended for the purchase of necessary equipment, including communications equipment for the sheriff's department during the period such sheriff's department is designated as the law enforcement agency under this Act.

Purchase of certain equipment.

Daily deposits of A. B. C. store receipts.

Method of disbursement.

SEC. 8. All funds realized from the operation of alcoholic beverage control stores in Halifax County shall be deposited in the bank daily. All disbursements of said funds shall be made by check and each check shall be signed by the manager and countersigned by the chairman of the Board and the County Auditor for Halifax County.

Halifax County A. B. C. Board subject to State A. B. C. Board, certain respects.

SEC. 9. That all the powers and duties herein conferred upon the Alcoholic Beverages Control Board of Halifax County shall be subject to the powers granted by law to the State Alcoholic Beverages Control Board, and, whenever or wherever the State Board has been given power to approve or disapprove anything in respect to boards, county stores or county boards, then no act on the part of the Board created by this Act shall be exercisable or valid until and unless the same has been approved by the State Board.

Declaration of operating policy for A. B. C.

SEC. 10. The Alcoholic Beverages Control Board of Halifax County, created by this Act, shall operate the Alcoholic Beverages Control System in Halifax County in an efficient and economical manner and shall operate said system as nearly within the limits of the present cost as possible, unless the decrease or increase in the volume of business may justify the increase or decrease of said operation expenses.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are herein repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 384 **CHAPTER 825**

AN ACT TO AMEND THE MAXIMUM HOUR LAW SO AS TO EXEMPT CERTAIN EMPLOYEES.

The General Assembly of North Carolina do enact:

G. S. § 95-17, Maximum Hours Law, amended.

SECTION 1. Amend Section 95-17 of the General Statutes by inserting in line 22 of the sixth paragraph of said Section immediately following the colon in said line 22 and before the word "Provided" in said line 22 the following:

Limitation of daily and weekly hours, not applicable to certain employees covered by Fair Labor Standards Act.

Provided, further, that the limitation on daily and weekly hours provided for in this Section shall not apply to any male employee eighteen years of age and over whose employment is covered by or in compliance with the Fair Labor Standards Act of 1938 (Public No. 718; 75th Congress; Chapter 676-3d Session), as amended or as same may be amended:

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 389 **CHAPTER 826**

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REFUND ONE HUNDRED THIRTY-FOUR DOLLARS AND THIRTY-FIVE CENTS TAX PAID ON GASOLINE USED IN STATIONARY ENGINES AND FARM TRACTORS.

Preamble:

Use of tax-paid gas by L. N. James and Company, Bethel, for farm purposes, third quarter, 1946.

WHEREAS, L. N. James and Company, Bethel, North Carolina, during the quarter ending September 30th, 1946, used two thousand two hundred and seventeen (2,217) gallons of tax paid gasoline in certain stationary engines used for farm purposes and in farm tractors operating on and for the company farms, on which the tax refund amounted to one hundred ten dollars and eighty-five cents ($110.85); and,

Gasoline used for farm purposes, October, 1946.

WHEREAS, during the period of October, 1946, used four hundred and seventy (470) gallons of gasoline in certain stationary engines used for farm purposes and in tractors used on and for the company farm, on which the tax refund amounted to twenty-three dollars and fifty cents ($23.50); and,

Claim for refund denied by Revenue Department.

WHEREAS, claim for the gasoline tax refund was prepared and made, but due to the Department of Revenue alleging that it had never received proper application for tax refund the same was denied; and,

Application of company for renewal of permit not received by Revenue Department.

WHEREAS, the said company did on June 18th, 1946, forward its check number six thousand one hundred and nineteen (6,119) in the amount of one dollar ($1.00) to the North Carolina Department of Revenue with application for renewal of permit, by which the Department alleges non-receipt, all of which is through no fault of the said company: *Now, therefore,*

The General Assembly of North Carolina do enact:

Commissioner of Revenue directed to make certain refund to L. N. James and Company, Bethel, as to tax-paid gas used for farm purposes.

SECTION 1. That the Commissioner of Revenue is hereby authorized and directed to refund to L. N. James and Company, Bethel, North Carolina, the sum of one hundred thirty-four dollars and thirty-five cents ($134.35), or so much thereof that may be due as per application filed with the Commissioner of Revenue, as would have been paid had the permit been issued, the said amount being the gasoline tax of five cents (5c) per gallon for two thousand six hundred and eighty-seven (2,687) gallons of tax paid gasoline used by the said company during the quarter ending September, 1946, and December, 1946, in operating certain stationary engines and farm tractors by the said company.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 410 CHAPTER 827

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF WINSTON-SALEM TO ESTABLISH A RESERVE FUND TO PROVIDE FOR THE PAYMENT OF THE CITY'S BONDED DEBT.

The General Assembly of North Carolina do enact:

Authority to establish reserve fund for payment of bonds, City of Winston-Salem.

SECTION 1. The Board of Aldermen of the City of Winston-Salem is hereby authorized and empowered to establish a reserve fund to provide for the payment of principal of its bonds, now or hereafter outstanding, and to appropriate to such reserve fund, by ordinance or ordinances duly adopted by the affirmative

vote of not less than two-thirds of the members of such board, any unappropriated surplus revenues or other moneys lawfully available to meet such appropriation; *provided, however,* no ordinance making any such appropriation to such reserve fund shall take effect until it shall have been approved by the Local Government Commission of North Carolina.

Appropriations to reserve fund.

Approval by Local Government Commission.

SEC. 2. Any moneys appropriated by any such ordinance shall be paid into such reserve fund and may be withdrawn from such reserve fund only for the purpose of paying the principal of bonds of the City of Winston-Salem now or hereafter outstanding. The board of aldermen shall by ordinance designate some bank or trust company as depositary in which the moneys held in such reserve fund, or any investments thereof, shall be deposited. Such bank or trust company so designated shall furnish such security for deposits made in such fund as is required by law for other funds of the city.

Use of moneys in reserve fund.

Depository.

Security for deposits.

SEC. 3. Pending the application of the moneys held in such reserve fund to the payment of the principal of bonds of said city, any moneys held in the fund may be invested, re-invested or kept invested in unlimited obligations issued by the United States of America, or bonds of the State of North Carolina, or bonds or negotiable notes issued by the City of Winston-Salem.

Investment of funds.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 425 **CHAPTER 828**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF EDUCATION OF TRANSYLVANIA COUNTY TO ENTER INTO CONTRACTS RELATING TO THE CONSTRUCTION OR MAINTENANCE OF SCHOOL BUILDINGS, AND TO AMEND GENERAL STATUTES 143-129 BY EXEMPTING TRANSYLVANIA COUNTY FROM CERTAIN PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. In so far as General Statutes 143-129 is in conflict with the provisions of this Act, such provisions of General Statutes 143-129 are hereby repealed.

G. S. § 143-129, as in conflict with this Act, repealed.

Authority to proceed with construction or repair of school buildings, etc., Transylvania County.

Powers of County Commissioners and Education Board.

SEC. 2. The Board of County Commissioners and the County Board of Education of Transylvania County are hereby authorized and empowered, in their discretion, to proceed with the construction or repair of all such school buildings, lunch rooms, or other plants or structures as may be necessary to the proper conduct and maintenance of the public school system in Transylvania County, and said board of county commissioners and county board of education are hereby authorized to purchase all necessary material and hire all necessary labor for the purposes above set out, without the letting of a contract, or the Board of County Commissioners or the County Board of Education of Transylvania County may contract for the construction or repair of any such school building, lunch room, or other plant or structure necessary to the proper conduct and maintenance of the public school system, upon a cost basis, plus a commission not to exceed ten per cent (10%), and in any such case separate contracts may be entered into as to each project, and as to the general contract, and as to contracts for heating, plumbing and electrical installation.

Contractor required to furnish surety bond.

SEC. 3. If any or all of such work is done under contract as herein provided, each and every contractor shall furnish bond with some surety company legally engaged in business in the State of North Carolina, to guarantee the faithful performance of such contract, including the payment of all labor and material costs according to contract.

Execution of contract for construction work.

SEC. 4. Any contract entered into shall be in writing and shall be executed by the Board of County Commissioners and the County Board of Education of Transylvania County and by such contractors as may be involved.

Termination of Act.

Exceptions.

SEC. 5. The provisions of this Act shall terminate thirty days after the convening of the next regular Session of the General Assembly of North Carolina, except as to contracts already entered into and except as to those particular projects where the Board of County Commissioners and the County Board of Education of Transylvania County have actually begun construction or repair without contract.

Application of Act.

SEC. 6. The provisions of this Act shall apply only to Transylvania County.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 430 **CHAPTER 829**

AN ACT TO REPEAL CHAPTER 85 OF THE PUBLIC LAWS OF 1937 RELATING TO THE GENERAL COUNTY COURT IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 85 of the Public Laws of 1937, relating to the General County Court in Duplin County, be, and the same is hereby, repealed.

Ch. 85, Public Laws, 1937, as to General County Court, Duplin County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 460 **CHAPTER 830**

AN ACT TO ADJUST THE COMPENSATION OF CERTAIN LEGISLATIVE EMPLOYEES OF THE 1947 GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

SECTION 1. The elective clerks and other employees of the 1947 General Assembly shall receive compensation on a per diem basis according to the following schedule:

Compensation of elective clerks and other employees, 1947 General Assembly.

Principal clerk of each house and chief enrolling clerks $12.00

Schedule of per diem pay.

Journal clerks, calendar clerks, chief engrossing clerks, reading clerks, sergeants-at-arms, and one assistant calendar clerk in each house $10.00

Secretary to the speaker of the House of Representatives, secretary to the Lieutenant-Governor, clerks to Finance and Appropriations Committees of each house, assistants to the engrossing clerks, assistant clerks to the principal clerks, the assistants appointed by the Secretary of State to supervise enrollment of bills and resolutions, the clerks to all committees which

by the rules of either house are entitled to clerks, disbursing clerks and joint disbursing clerks $8.00
Typists who are not stenographers $7.00
Chief pages of both houses $5.00
All other pages $4.00
Chaplain for each house $6.50
All laborers $5.50

Retroactive effect.

SEC. 2. The above salary schedule shall be effective retroactively to the first day of convening of the 1947 Session of the General Assembly, and shall become ineffective upon the completion of work in connection with the 1947 Assembly.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 153 CHAPTER 831

AN ACT TO FIX MARRIAGE LICENSE FEES AND TO PROVIDE THAT COUNTIES SHALL RECEIVE AND RETAIL ALL SUCH FEES.

The General Assembly of North Carolina do enact:

G. S., Ch. 51, amended.

SECTION 1. Chapter 52 of the General Statutes is hereby amended by adding a new Section at the end of said Chapter, to be numbered Section 51-20, as follows:

Marriage license tax.

Sec. 51-20. Marriage license tax. The board of commissioners of any county may levy a tax of four dollars ($4.00) on each marriage license issued, which tax shall be collected by the register of deeds of the county in which the license is issued.

Proceeds payable into general county fund.

All such marriage license taxes collected by the register of deeds shall promptly be placed in the county general fund.

Reports by Register of Deeds as to licenses issued and taxes collected.

The register of deeds of each county shall submit to the board of commissioners on the first Monday in January, April, July, and October of each year a sworn statement or report in detail, showing the names of the persons to whom marriage licenses have been issued during the preceding three months, and accompany such sworn report or statement with the amount of such taxes collected by him or that should have been collected by him in the preceding three months.

This Section shall not be construed to modify in any manner the provisions of Section 51-2 or 51-8.1. Effect of Act on G. S. §§ 51-2, 51-8.1.

Nothing in this Act shall prevent any register of deeds whose compensation is derived from fees from retaining such fees as heretofore allowed by law to such register of deeds for issuing said license. Effect of Act on Registers of Deeds on fee basis.

SEC. 2. Section 105-95 of the General Statutes and all other laws and clauses of laws in conflict with this Act are hereby repealed. G. S. § 105-95, and other conflicting laws, repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 169 CHAPTER 832

AN ACT TO AMEND CHAPTER 29 OF THE GENERAL STATUTES RELATING TO DESCENTS TO CLARIFY THE RIGHTS OF ADOPTED CHILDREN AND OF LEGITIMATED CHILDREN.

The General Assembly of North Carolina do enact:

SECTION 1. Section 29-1 of the General Statutes is hereby amended by adding thereto three new rules to read as follows: G. S. § 29-1, amended.

Rule 14. An adopted child shall be entitled by succession or inheritance to any real property by, through, and from its adoptive parents the same as if it were the natural, legitimate child of the adoptive parents. Succession and inheritance rights of adopted child.

Rule 15. The adoptive parents shall be entitled by succession or inheritance to any real property by, through, and from an adopted child the same as if the adopted child were the natural, legitimate child of the adoptive parents. Succession and inheritance rights of adoptive parents.

Rule 16. When any child born out of wedlock shall have been legitimated in accordance with the provisions of G. S. 49-10 or G. S. 49-12 such child shall be entitled to all the rights of succession, inheritance to any real property of its father and mother as it would have had had it been born their issue in lawful wedlock. Succession and inheritance rights of legitimated children born out of wedlock.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 380 CHAPTER 833

AN ACT TO AMEND SECTION 128-21 OF THE GENERAL STATUTES SO AS TO INCLUDE EMPLOYEES OF MUNICIPAL LIGHT AND WATER BOARDS AND COMMISSIONS WITHIN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

G. S. § 128-21, amended, as to participation of employees, municipal light and water boards, in local governmental employees' retirement system.

SECTION 1. Subsection 2 of 128-21 of the General Statutes is hereby amended by placing a comma after the word "town" in the second line of said Subsection and inserting the following words after the word "town" and before the word "participating" in said second line:

or the light and water board or commission of any incorporated city or town,

SEC. 2. Subsection 3 of Section 128-21 of the General Statutes is hereby amended by adding the following words at the end of the fourth line of said Subsection:

including employees of any light and water board or commission,

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 426 CHAPTER 834

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO GROUP LIFE INSURANCE.

The General Assembly of North Carolina do enact:

G. S., Ch. 58, amended.

SECTION 1. Chapter 58 of the General Statutes of North Carolina be amended as follows:

G. S. § 58-210, amended.

(1) Strike out Section 58-210 and insert in lieu thereof the following:

Group life insurance defined.

SEC. 58-215. Group life insurance defined. No policy of group life insurance shall be delivered in this State unless it conforms

Types of policies:

to one of the following descriptions:

(1) Policy issued to employer or trustee of fund established by employer.

(1) A policy issued to an employer, or to the trustee of a fund established by an employer, which employer or trustee shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

Employees eligible under policy.

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

Payment of premiums; source of contributions for premiums.

Restrictions.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Minimum number of employees.

(c) The policy must cover at least 25 employees at date of issue.

Restrictions concerning amounts of insurance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustee. No policy may be issued which provides insurance on any employee which together with any other insurance under any group of life insurance policy or policies issued to the employer or to the trustee of a fund established in whole or in part by the employer exceeds twenty thousand dollars ($20,000.00), except that this limitation shall not apply to amounts of group permanent life insurance issued in connection with a pension or profit-sharing plan.

(2) Policy issued to creditor, to insure debtors.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

Debtors eligible.

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in instalments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise.

Payment of premiums.

Source of funds for payment of premiums; restrictions as to issuance of policy.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premiums is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Prerequisites for issuance of policy.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

Limitation of amount of insurance on any debtor.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in instalments to the creditor, or five thousand dollars ($5,000.00), whichever is less.

Insurance payable to policyholder; effect on debt of deceased.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) Policy issued to labor union to insure members.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

Members eligible for insurance.

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

Payment of premiums.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Source of funds for payment of premiums; restrictions as to issuance of policy.

Minimum number of members covered.

(c) The policy must cover at least 25 members at date of issue.

Restrictions concerning amounts of insurance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides insurance on any union member which together with any other insurance under any group life insurance policies issued to the union exceeds twenty thousand dollars ($20,000.00).

(4) Policy issued to trustee of fund to insure employees or union members.

(4) A policy issued to the trustee of a fund established by two or more employers in the same industry or kind of business or by two or more labor unions, which trustee shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

Persons eligible for insurance.

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to memberships in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners

Persons who may be included as "employees."

if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustee or the employees of the trustee, or both, if their duties are principally connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

Payment of premiums.

(b) The premium for the policy shall be paid by the trustee wholly from funds contributed by the employers of the insured persons. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Minimum number of persons covered.

(c) The policy must cover at least 100 persons at date of issue.

Restrictions concerning amounts of insurance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustee of a fund established in whole or in part by the employers, or any of them, exceeds twenty thousand dollars ($20,000.00), except that this limitation shall not apply to amounts of group permanent life insurance issued in connection with a pension or profit sharing plan.

(5) Policy issued to association of persons with common interest.

(5) A policy issued to an association of persons having a common professional or business interest, which association shall be deemed the policyholder, to insure members of such association for the benefit of persons other than the association or any of its officials, representatives or agents, subject to the following requirements:

Eligibility of association.

(a) Such association shall have had an active existence for at least two years immediately preceding the purchase of such insurance, was formed for purposes other than procuring insurance and does not derive its funds principally from contributions of insured members toward the payment of premiums for the insurance.

Eligibility of members of association.

(b) The members eligible for insurance under the policy shall be all of the members of the association or all of any class or classes thereof determined by conditions pertaining to their employment, or the membership in the association, or both. The policy may provide that the term "members" shall include the employees of members, if their duties are principally connected with the member's business or profession.

Payment of premiums.

(c) The premium for the policy shall be paid by the policyholder, either wholly from the association's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance nor if the commissioner finds that the rate of such contributions will exceed the maximum rate customarily charged employees insured under like group life insurance policies issued in accordance with the provisions of paragraph 1. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Source of funds for payment of premiums; restrictions as to issuance of policy.

Minimum number of members covered.

(d) The policy must cover at least 25 members at date of issue.

Limitations concerning amounts of insurance.

(e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the association. No policy may be issued which provides insurance on any member which together with any other insurance under any group life insurance policies issued to the association exceeds twenty thousand dollars ($20,000.00).

G. S. § 58-211, amended.

(2) Strike out Section 58-211 and insert in lieu thereof the following:

Group life insurance standard provisions.

Sec. 58-211. Group life insurance standard provisions. No policy of group life insurance shall be delivered in this State unless it contains in substance the following provisions, or provisions which in the opinion of the commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable, to the policy holder *provided, however,* (a) that provisions (6) to (10) inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non-forfeiture provision or provisions which in the opinion of the commissioner is or are equitable to the insured

Provisions not applicable to certain policies.

Non-forfeiture provisions, when insurance other than term plan.

persons and to the policy holder, but nothing herein shall be constructed to require that group life insurance policies contain the same non-forfeiture provisions as are required for individual life insurance policies:

Provision as to period of grace.

(1) A provision that the policy holder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policy holder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policy holder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

Provision as to contesting policy.

(2) A provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by him.

Provision as to attachment of application to policy; effect of statements by insured.

(3) A provision that a copy of the application, if any, of the policy holder shall be attached to the policy when issued, that all statements made by the policy holder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

Provision as to right of insurer to require evidence of insurability.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

Provision as to adjustment of premiums, etc., upon misstatement of age.

(5) A provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

Provision as to payment of benefits due by reason of death of insured.

(6) A provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured, subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding two hundred and fifty dollars ($250.00) to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

Provision as to issuance of certificates for each person insured.

(7) A provision that the insurer will issue to the policy holder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in (8), (9) and (10) following.

Provision as to issuance of policy to individual, upon termination of class eligibility.

(8) A provision that if the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, and *provided further* that,

Forms of individual policies.

(a) the individual policy shall, at the option of such person, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

Amount of insurance, individual policy.

(b) the individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

Premium on individual policy.

(c) the premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

Provision as to issuance of individual policies, upon termination of group policy.

(9) A provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by (8) above, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days after such termination, and (b) two thousand dollars ($2,000.00).

Provision as to effect of death of person entitled to individual policy within periods covered by Secs. 8 and 9.

(10) A provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with (8) or (9) above and before such an individual policy shall have become effective, the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Partial invalidity provision.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 497 CHAPTER 835

AN ACT TO CALL FOR A LIQUOR REFERENDUM IN MECKLENBURG COUNTY AND TO PROVIDE FOR A DIVISION OF PROFITS FROM LIQUOR STORES AMONG THE MUNICIPALITIES THEREIN AND SAID COUNTY.

The General Assembly of North Carolina do enact:

Provision for liquor referendum, Mecklenburg County.

SECTION 1. The Board of County Commissioners of Mecklenburg County be, and they are hereby, authorized, empowered, and directed to call for a liquor referendum pursuant to the provisions of Chapter 18, Article 3, of the General Statutes of North Carolina, as amended, on or before ninety days from and after the ratification of this Act, without requiring any petition therefor by the duly qualified electors of said county.

Use of net profits from liquor stores, in event of favorable vote.

Deductions for law enforcement.

Working capital.

SEC. 2. Should a majority of the qualified electors in said election vote in favor of liquor stores, the County Board of Alcoholic Beverage Control shall, at the end of each quarterly period following the establishment of such stores, and after deducting the amount to be required to be expended for law enforcement as provided in Article 3 of Chapter 18 of the General Statutes of North Carolina, and retaining a sufficient and proper working capital, the amount to be determined by the board, the entire net profits derived from any stores established by the said board shall be allocated to Mecklenburg County and to the named municipalities situated therein, as follows:

Allocation of net profits.

Allocation to Public Library of Charlotte and Mecklenburg County.

(a) The Public Library of Charlotte and Mecklenburg County, five per cent (5%) of the net profits which shall be used for the support and maintenance of libraries in the City of Charlotte and the County of Mecklenburg;

Balance divided between Charlotte and Mecklenburg County.

(b) The remaining balance of said net profits, after the deductions provided in Subsection (a) hereof have been made, shall be equally divided between the City of Charlotte and the County of Mecklenburg;

Allocations to certain municipalities.

(c) Of such net profits allotted to Mecklenburg County, two per cent (2%) thereof shall be allocated and paid to each of the following municipalities in said county, to-wit: Davidson, Cornelius, Huntersville, Pineville and Matthews;

Allocations for parks and playgrounds, City of Charlotte.

(d) Of such net profits allotted to the City of Charlotte, five per cent (5%) thereof shall be paid by the City of Charlotte to the Charlotte Park and Recreation Commission for expenditures for parks and playgrounds;

Allocations for debt service, City of Charlotte and Mecklenburg County.

(e) Of the remaining portion of the net profits remaining after the allocations are made in accordance with Subsections (c) and (d), the City of Charlotte and County of Mecklenburg shall apply not less than twenty-five per cent (25%) thereof to the payment of principal and/or interest on the bonded indebtedness of said city and county;

Limitation of amounts for parks and playgrounds, specified municipalities.

(f) Of the two per cent (2%) of such net profits allotted to each of the municipalities named in Subsection (c) of this Section not more than ten per cent (10%) thereof may be used by such municipalities for parks and playground purposes.

Municipalities entitled to allocations regardless of store locations.

SEC. 3. The percentage of net profits allocated to the municipalities in Mecklenburg County referred to in Section 2 of this Act shall be allotted and paid to said municipalities therein named regardless of whether or not an ABC store is situated within such municipality.

Location of store in Town of Davidson, prohibited.

SEC. 4. The County Board of Alcoholic Beverage Control of Mecklenburg County shall not at any time locate a liquor store within the corporate limits of the Town of Davidson in Mecklenburg County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 508 CHAPTER 836

AN ACT TO AMEND SECTION 105-302 OF THE GENERAL STATUTES, RELATING TO THE LISTING OF TANGIBLE PERSONAL PROPERTY FOR AD VALOREM TAXATION.

The General Assembly of North Carolina do enact:

G. S. § 105-302, amended.

SECTION 1. Subsection (4) of Section 105-302 of the General Statutes is hereby amended by adding at the end of said Subsection the following:

Listing of certain tangible personal property for ad valorem taxation.

When tangible personal property, which may be used by the public generally or which is used to sell or vend merchandise to the public, is placed at or on a location outside of the county of the owner or lessor, such tangible personal property shall be listed for taxation in the county where located.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification. Emergency declared.

In the General Assembly, read three times and ratified, this the 4th day of April, 1947.

H. B. 583 **CHAPTER 837**

AN ACT TO AMEND CHAPTER 118 OF ARTICLE 1, SECTION 118-7, GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, PERTAINING TO THE FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 118-7 of the General Statutes of North Carolina be amended by adding to the end thereof a new paragraph as follows: G. S. § 118-7, amended.

Provided further, that the board of trustees duly appointed under Section 118-6, General Statutes of North Carolina, shall be required to pay over to the Charlotte Firemen's Pension System on December 31st of each year all sums entrusted to said trustees in excess of the sum of twenty thousand dollars ($20,000.00). Disposition of certain surplus sums by trustees of Firemen's Relief Fund, City of Charlotte.

SEC. 2. This Act shall apply only to the City of Charlotte. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 573 CHAPTER 838

AN ACT TO AMEND SECTION 1-98 OF THE GENERAL STATUTES RELATING TO SERVICE BY PUBLICATION IN ADOPTION PROCEEDINGS.

The General Assembly of North Carolina do enact:

G. S. § 1-98, amended, as to serviee by publication in adoption proceedings.

SECTION 1. Amend Section 1-98 of the General Statutes by inserting immediately after the word "made" and before the word "or" in the eighth line of said Section the following words: "or that he is a proper party to an adoption proceeding instituted in this State".

Section, further amended.

Further amend said Section 1-98 by adding thereto a new Subsection to be designated as Subsection 9, which said Subsection shall read as follows:

Publication of notice to non-resident parents in adoption proceedings.

9. Where the action or proceeding is for the adoption of a minor child or children, residents of the State, whose parent or parents are necessary parties to the action or proceeding, and the said parent or parents are nonresidents of the State or cannot, after due and diligent search, be found within the State.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 604 CHAPTER 839

AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A VOCATIONAL SCHOOL FOR VETERANS AT CAMP BUTNER, NORTH CAROLINA.

Preamble:

War veterans eligible for training in skilled trades.

WHEREAS, there is a large number of North Carolina World War II veterans who are eligible to receive and eager for the type of training that will lead to profitable employment in the skilled trades; and

Needs of industry for trained personnel.

WHEREAS, employers of industrial workers and skilled craftsmen are urgently in need of trained personnel to provide the needed expansion in industry and construction; and

Present facilities inadequate for training program.

WHEREAS, the present facilities in this State are inadequate to provide the volume of training needed for veterans; and

Obligation of State.

WHEREAS, the State has an obligation to provide where possible the kinds of training veterans desire; *Now, therefore,*

The General Assembly of North Carolina do enact:

N. C. State Trade School for Veterans established.

SECTION 1. There shall be established a state trade school for veterans, to be known as THE NORTH CAROLINA STATE TRADE SCHOOL FOR VETERANS.

Purpose.

SEC. 2. The purpose of the school shall be to provide training for veterans in such skills as farm machinery operation and repair, radio servicing, refrigeration servicing, air conditioning, shoe repairing, automobile machine shop practice, sheet metal working, plumbing, carpentry, drafting, electric wiring and electric motor repairing, and such other types of skilled trades that are asked for and can be provided.

Operation.

SEC. 3. The said school is to be operated by the Division of Vocational Education of the State Department of Public Instruction.

Location.

SEC. 4. The said school is to be located at Camp Butner, North Carolina.

Authority of certain officials to secure necessary land, buildings, equipment, etc.

SEC. 5. Officials of the North Carolina State Department of Public Instruction are authorized to make application to and accept from the War Department and the War Assets Administration to secure by donation or discount (100% discount) the necessary land, buildings, equipment and other facilities necessary for the operation of the school.

Contracts with Veterans Administration authorized.

SEC. 6. Officials of the North Carolina State Department of Public Instruction are authorized to enter into contracts with the Veterans Administration to secure by tuition of veterans, money to cover the cost of the operation of the school.

Appropriation for cost of getting school ready for operation.

SEC. 7. To cover the cost of getting the school ready for operation, which cost includes such items as moving and setting equipment, the wiring of machines, renovation of buildings, transportation of equipment items secured by donation from bases other than Camp Butner, the cost of purchasing those items of equipment not possible by donation, printing, labor and salaries, there is hereby appropriated from the general fund the sum of $25,000.00.

Appropriation for cost of certain dormitory rearrangements.

SEC. 8. To cover the cost of rearranging rooms in dormitories to make provisions for rooming facilities for married couples, there is hereby appropriated from the general fund a sum of ten thousand dollars ($10,000.00). This appropriation is to be in the nature of a revolving fund and is to be repaid to the general fund as money is earned from the rental of rooms to veterans.

Monies earned from the rental of rooms in excess of the amount necessary to repay the amount used from the revolving fund will be used to make permanent improvements to the school.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 642 **CHAPTER 840**

AN ACT TO AMEND CHAPTER 7, ARTICLE 29, SECTION 256, OF THE GENERAL STATUTES OF NORTH CAROLINA PERTAINING TO ELECTIONS REQUIRED TO ESTABLISH RECORDERS COURT.

The General Assembly of North Carolina do enact:

G. S. § 7-256, amended, as to elections to establish Recorder's Courts.

SECTION 1. Chapter 7, Article 29, Section 256, of the General Statutes is hereby amended by changing the period at the end of the Section to a comma, and by adding thereafter the following:

Exception.

and except municipal Recorders' Courts which are established without a popular vote, pursuant to the provisions of Article 29A of this Chapter.

G. S., Ch. 7, amended.

SEC. 2. Chapter 7 of the General Statutes is hereby amended by adding a new Article to follow Article 29, to be designated as Article 29A and to read as follows:

ART. 29A. Alternate method of establishing municipal Recorder's Courts; establishment without election.

Establishment of municipal Recorder's Courts, without election.

SEC. 264.1. Establishment of municipal Recorder's Courts without election.

Action by governing body.

(a) Notwithstanding the provisions of Article 29 of this Chapter, the governing body of any municipality authorized by this Subchapter to establish a court, may, by adoption of an appropriate resolution, create a municipal Recorder's Court after giving due notice and holding a public hearing with respect thereto.

Public hearing.

(b) Such public notice shall set forth that the governing body is considering the creation of a municipal Recorder's Court without holding an election thereon and shall name a time and place for a public hearing thereon, at which time all interested persons may appear and be heard. Notice of hearing; contents.

(c) Such notice shall be published at least once a week for four successive weeks in some newspaper published within the corporate limits of the municipality and shall be posted on the official bulletin board in the city hall of such municipality during the period of publication. Publication of notice.

(d) After a public hearing is held pursuant to the provisions of this Section, the governing body of the municipality is authorized, in its discretion, to establish a municipal Recorder's Court without holding an election thereon. Establishment of Court.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 656 CHAPTER 841

AN ACT TO AMEND 144 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937, AS AMENDED BY CHAPTER 231 PUBLIC-LOCAL AND PRIVATE LAWS OF 1939, RELATING TO THE CIVIL SERVICE COMMISSION OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 3 of Chapter 144 of the Public-Local and Private Laws of 1937, as amended by Chapter 402, Public-Local and Private Laws of 1937, and by Chapter 231 Public-Local and Private Laws of 1939, be and the same is hereby, amended as follows: Ch. 144, Public-Local Laws, 1937, amended; relating to Civil Service Commission, High Point.

(a) That Section 3 of Article 14 of Section 3 of the Public-Local and Private Laws of 1937 be amended by changing the period after the word "month" in line 6 of said Section to a semicolon and adding the words: Compensation of members.

and provided further, that such salary which shall have the approval of the City Council of the City of High Point and that the City Council of the City of High Point may reduce such salary at any time it may deem wise and to the best interest of the City of High Point.

Ch. 144, amended further, as to exemption of hourly paid employees from civil service.

(b) That Section 6 of Article 14 of Section 3 of said Chapter 144 of the Public-Local and Private Laws of 1937 be amended by inserting after the word "except" and before the word "the" in line 2 of said Section the following:

all city employees who are paid on an hourly wage basis.

Ch. 144, amended further, as to probation period of personnel appointed or promoted.

(c) That Section 13 of Article 14 of Section 3 of Chapter 144 of the Public-Local and Private Laws of 1937 be amended by changing the word "six" to the word "eighteen" in every place where the word "six" appears in said Section.

Ch. 144, further amended.

(d) That Section 17 of Article 14 of Section 3 of Chapter 144 of the Public-Local and Private Laws of 1937, as amended, be amended by striking out the words "and the Civil Service Commission" after the word "manager" in the last sentence thereof.

Ch. 144, amended further.

(e) That Section 22 of Article 14 of Section 3 of Chapter 144 of the Public-Local and Private Laws of 1937, as amended, be amended by changing the period at the end of said Section to a comma and adding the following:

Hourly paid employees excluded from classified service.

except that all employees paid on an hourly wage basis shall be excluded from the classified service of the City of High Point upon the ratification of this Act, and from and after the ratification of this Act all future employees in all departments and all divisions under the classified service shall be on probation for eighteen months.

Probation period increased for all future employees.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 657 **CHAPTER 842**

AN ACT TO AMEND CHAPTER 699 OF THE PUBLIC-LOCAL LAWS OF 1927 AS AMENDED BY CHAPTER 328 OF THE PUBLIC-LOCAL LAWS OF 1937 AND ALL ACTS AMENDATORY THEREOF RELATING TO SALARIES OF JUDGE, CLERK AND PROSECUTING ATTORNEY OF THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 328, Public-Local Laws, 1937, amended, as to salary of Judge, High Point Municipal Court.

SECTION 1. That Chapter 328 of the Public-Local Laws of 1937, Section 1, be amended by striking out the words "six thousand dollars ($6,000.00) per year" in line six and inserting in lieu thereof the following: "not less than six thousand and six hundred dollars ($6,600.00) and not more than seven thousand and five hundred dollars ($7,500.00), said salary to be fixed within said bounds by the City Council."

Ch. 499, Session Laws, 1945, amended as to salary of Clerk, High Point Municipal Court.

SEC. 2. That Chapter 499 of the 1945 Session Laws, Section 1, be amended by striking out lines five, six, seven, eight, and nine thereof and inserting in lieu thereof the following: "and after April 1, 1947, shall be fixed by the City Council of the City of High Point with the approval of the Judge of said Court provided said salary shall not be less than three hundred and twenty-five dollars ($325.00) a month and not in excess of three hundred and fifty dollars ($350.00) a month."

Ch. 328, Public-Local Laws, 1937, amended, as to salary of Prosecuting Attorney, High Point Municipal Court.

SEC. 3. That Chapter 328 of the Public-Local Laws of 1937, Section 5, be amended by striking out the words "two hundred and twenty-five" in lines two and three and inserting in lieu thereof the following words: "not less than three hundred and fifty dollars ($350.00) per month nor more than four hundred and fifty dollars ($450.00) per month.

Ch. 699, Public-Local Laws, 1927, amended.

SEC. 4. That Chapter 699 of the Public-Local Laws of 1927, Section 2, be amended by striking out all of said Section after the word "thereafter" in line seven and inserting in lieu thereof the following: "and the Governor of North Carolina shall on or before the first Monday in June of 1947, and each four years thereafter, appoint a judge pro-tem of the Municipal Court of High Point who shall in case of resignation or vacancy by the judge fill the unexpired term and who shall serve as judge of said court at such times as the judge may be unable to serve because of sickness or other cause, and the said judge pro-tem shall receive the same rate of pay for such time as he may serve as the judge is then receiving, the same to be paid by the City of High Point, and sub-section (o) of Section 3 of said Chapter 699 of the Public-Local Laws of 1927 is hereby repealed.

Appointment of Judge Pro-tempore, High Point Municipal Court.

Duties.

Compensation.

Ch. 699, Public-Local Laws, 1927, amended further.

SEC. 5. That Section 6 of the said Chapter 699 of the Public-Local Laws of 1927 be amended by striking out the words in quotation marks after the word "thereof" in line five and before the period in line 12 and inserting in lieu thereof the following: "the Clerk of said Court shall be appointed by the Judge of said Court with the approval of the City Council of the City of High Point on the Monday following the regular biennial May election to hold office for a term of four years and his successor shall be appointed by the Judge of said Court, with the approval of said City Council, every four years thereafter; and Section 24 of Chapter 569 of the Public-Local Laws of 1913 is hereby repealed, and from and after the ratification of this Act the Prosecuting Attorney of the Municipal Court of the City of High Point shall be appointed by the Governor of North Carolina on the first Monday in June, 1947, for a term of four years and his successor shall be appointed by the Governor each four years thereafter."

Appointment of Clerk, High Point Municipal Court.

Ch. 569, Public-Local Laws, 1913, amended.

Appointment of Prosecuting Attorney, High Point Municipal Court.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall be in full force and effect from and after April 1, 1947.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 755 CHAPTER 843

AN ACT TO AMEND SECTION 115-256 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO ADMISSION OF STUDENTS AT THE TEXTILE TRAINING SCHOOL.

The General Assembly of North Carolina do enact:

G. S. § 115-256, amended.

SECTION 1. That Section 115-256 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out the period following the word "Carolina" in line four of said Section, substituting a colon therefor, and adding the following:

Provision for admission of non-residents to Textile Training School.

Provided, that out of state students not to exceed ten per cent (10%) of total enrollment may be enrolled when vacancies exist, upon payment of tuition, the amount of the tuition to be determined by the board of trustees. The money thus collected

is to be deposited in the treasury of the North Carolina Vocational Textile School, to be used as needed in the operation of the school.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 759 CHAPTER 844

AN ACT TO GIVE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AUTHORITY TO LIMIT THE GROSS WEIGHT OF VEHICLES UPON AND RESTRICT THE RIGHT TO USE CERTAIN TYPES OF SECONDARY ROADS.

Preamble:

Responsibility of State Highway and P. W. Commission for county roads not suitable for heavy traffic.

WHEREAS, since the incorporation of the county roads into the highway system the State Highway and Public Works Commission has the exclusive responsibility for many roads which are not designed, constructed or maintained to carry heavy traffic or to stand up under use by vehicles of maximum gross weight allowed upon primary highways; and

Certain use of roads injurious.

WHEREAS, the use of such roads by such heavy traffic and by vehicles of such gross weight is injurious to them;

The General Assembly of North Carolina do enact:

G. S. § 20-116, amended, as to authority of State Highway and P. W. Commission to restrict use of secondary roads.

SECTION 1. That paragraph (e) of Section 116 of Chapter 20 of the General Statutes be amended by changing the period at the end thereof to a semi-colon and adding the following:

Provided, however, that such restriction of limitations shall not apply to any county road, farm-to-market road, or any other road of the secondary system.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 779 CHAPTER 845

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Codification and printing of Machinery Act of 1939, as amended.

SECTION 1. That the Secretary of State with the advice of the Attorney General shall insert in the Machinery Act of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939, 1941, 1943, 1945 and 1947, and shall print in codified form two thousand copies of said Act as amended and supplemented, which shall be delivered to the State Board of Assessment for distribution.

Status of compilation.

This compilation when certified by the Secretary of State and the Attorney General to be a true and accurate compilation of the Machinery Act of 1939, and all amendments thereto, shall be an official compilation or statement of the Machinery Act of 1939, as amended.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 804 CHAPTER 846

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, NORTH CAROLINA.

The General Assemby of North Carolina do enact:

Corporate limits of Town of Wilson.

SECTION 1. From and after the ratification of this Act the corporate limits of the Town of Wilson, North Carolina, shall be as follows:

Beginning at a point on the overhead bridge, where the Atlantic Coast Line Railroad crosses US Highway 301-A, said point being in the center line of the north bound track and in line with the west edge of the pavement of US Highway 301-A; runs thence North 85 deg. 40 min. East, 1643.2 feet to the intersection of the tangents of said road; continues thence along the edge of the pavement North 57 deg. 20 min. East, 1108.5 feet to a point near where the Norfolk and Southern Railroad crosses US

Highway 301-A; thence South 34 deg. 30 min. East, 14 feet to a point near the base of the Norfolk and Southern overhead bridge; thence North 57 deg. 20 min. East, 514.6 feet along US Highway 301-A to the intersection of the east edge of said road with the north edge of location of proposed super highway; thence along north and west edge of location of proposed super highway as follows: North 72 deg. 51 min. East, 2906.5 feet; North 30 deg. 13 min. East, 1610.5 feet to the center of East Nash Street and continuing the same course and additional distance 889.5 feet to a point, said point being the point of curve of completed portion of undesignated super highway aforementioned; continues thence following a 2 deg. curve to the left, 1580.8 feet to a point on the northwest edge of said road; thence turning from the point of tangent North 23 deg. 40 min. East, 4349.6 feet to a point on the northeast bank of Toisnot Swamp, said point being 10 feet northeast of the northeast bank of the swamp and about 391 feet southeast of the southeast guard wall of bridge on US Highway 301; runs thence along Toisnot Swamp North 41 deg. 50 min. West 417.5 feet to a point, said point being 10 feet northeast of the northeast bank of the swamp and about 3 feet northeast of the northeast guard wall of bridge on US Highway 301; continues thence along the northeast side of Toisnot Swamp North 44 deg. 08 min. West, 2777.8 feet to a point where the swamp changes direction, 10 feet north of the bank; thence South 82 deg. 10 min. West, 580.4 feet to a point on the Atlantic Coast Line Railroad, said point being 12.5 feet east of the center line of the north bound track and 10 feet north of the north end of the trestle crossing Toisnot Swamp; continues thence North 71 deg. 00 min. West, 3793.2 feet to the intersection of the center lines of Waterworks Road and Tilghman Road; thence along the center line of Tilghman Road as follows: North 16 deg. 00 min. West, 874.9 feet; North 31 deg. 50 min. West, 864.5 feet to the intersection of the center lines of Tilghman Road and Kincaid Avenue; runs thence North 63 deg. 30 min. West, 4912.5 feet to a point on West Nash Street, said point being the intersection of the south edge of pavement of Nash Street with the center line of the county road at Lamm's Store; thence along the county road North 84 deg. 55 min. West, 2905.4 feet to a point, said point being on the west edge of the county road about 185 feet northwest of the center of small bridge where the county road crosses Little Hominy Swamp Creek; runs thence S 71° 50′ W, 185.1 feet to the centerline of Little Hominy Swamp Creek to its intersection with Big Hominy Swamp Creek; runs thence with and along the centerline of Big Hominy Swamp Creek, 1949.0 feet to a point; thence S 23° 45′ W, 2715.0 feet to the intersection of the centerline of Raleigh Road with the north edge of pavement of Seven Hills Road, if

extended; north and east edge of pavement of Seven Hills Road and Winstead Road as follows: South 13 deg. 10 min. West, 434.7 feet to the center of Trinity Drive and continuing the same course and additional distance 467.8 feet to the center of the Norfolk and Southern Railroad underpass, and continuing the same course and additional distance 1450.7 feet; South 01 deg. 10 min. West, 2123.3 feet to the center of Tarboro Street and continuing the same course and additional distance 378.6 feet; South 14 deg. 35 min. East, 2923.8 feet to the center of Downing Street and continuing the same course and additional distance 1004.7 feet; South 66 deg. 00 min. East, 1613.1 feet to the center of South Goldsboro Street and continuing the same course and additional distance 823.8 feet; South 36 deg. 15 min. East, 1438.4 feet to a point where the north edge of pavement of Winstead Road intersects the west edge of pavement of US Highway 301-A; thence North 85 deg. 40 min. East, 892.6 feet to the point of beginning. It is to be specifically understood that the city limits line, where it follows the boundary lines of US Highway 301-A, Seven Hills Road, Winstead Road and location of proposed super highway, shall follow the curves to the tangents, and shall not continue along the tangents to their intersection, even though the distances are given to their intersection.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 810 CHAPTER 847

AN ACT TO AMEND CHAPTERS 170 AND 415 OF THE SESSION LAWS OF 1945 RELATING TO THE SALARIES OF CERTAIN OFFICERS IN DAVIE COUNTY.

The General Assemby of North Carolina do enact:

Ch. 390, Session Laws, 1943; Ch. 170, Session Laws, 1945; amended.

SECTION 1. That Section 1 of Chapter 390 of the Session Laws of 1943, as amended by Chapter 170 of the Session Laws of 1945, be, and the same is hereby, amended by adding a proviso at the end thereof to read as follows:

Compensation of clerks in offices of Register of Deeds and C. S. C., Davie County.

Provided, that the Board of County Commissioners of Davie County may, in their discretion, increase the compensation of the clerk or clerks in the offices of the Register of Deeds and the

Clerk of the Superior Court to an amount not to exceed one hundred dollars ($100.00) per month as total compensation for their services.

SEC. 2. That Section 2 of Chapter 415 of the Session Laws of 1945 be, and the same is hereby, amended by adding a proviso at the end thereof to read as follows: Ch. 415, Session Laws, 1945, amended.

Provided, that the Board of County Commissioners of Davie County may, in their discretion, increase the salary of the Clerk of the Superior Court of Davie County for his services as such Clerk to an amount not to exceed twenty-four hundred dollars ($2,400.00) per annum, such increase to be in addition to the compensation provided herein for his services as Judge of the Juvenile Court. Compensation of Clerk of Superior Court, Davie County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 843 CHAPTER 848

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSATION AT STATE EXPENSE.

The General Assemby of North Carolina do enact:

SECTION 1. That the hereinafter named persons are hereby appointed members of the county boards of education for the several counties in the State as follows, to-wit: Appointment of members of county Boards of Education.

Alamance—Dr. A. J. Ellington, for a term of six years. Alamance County.

Alexander—Raymond S. Ferguson, for a term of six years. Alexander County.

Alleghany—Greek J. Hill. Alleghany County.

Anson—M. D. Taft, M. D. Steagall, L. C. Springer. Anson County.

Ashe—G. O. Burgess, Cleeve Francis, Clyde Houck, Bradley Sturgill, Arthur Rose, L. P. Colvard. Ashe County.

Avery County. *Avery*—Keener Parsons, for a term of six years.

Beaufort County. *Beaufort*—Charles F. Cowell, Ralph H. Hodges, Jack McWilliams, D. M. Windley, Dr. W. T. Ralph.

Bertie County. *Bertie*—W. V. Hoggard, P. F. Cobb, J. B. Parker, each for a term of two years; J. P. Rascoe, for a term of four years; J. R. Peele, for a term of six years.

Bladen County. *Bladen*—S. S. Hutchinson, J. S. Melvin, Henry Beatty.

Brunswick County. *Brunswick*—H. Foster Mintz, R. I. Phelps, L. H. Reynolds, each for a term of fours; H. D. Williams, R. T. Woodside, each for a term of two years.

Buncombe County. *Buncombe*—R. C. Torian, Glen West, Chas. C. Bell, John M. James, B. E. Morgan.

Burke County. *Burke*—C. P. Whisnant, G. D. Carpenter, each for a term of four years; L. H. McNeely, C. L. Yount, M. S. Arney.

Cabarrus County. *Cabarrus*—H. E. Cline, R. L. Hartsell, each for a term of six years.

Caldwell County. *Caldwell*—Dr. J. F. Reece, E. L. Steele, John A. Frazier, M. H. Jones, Davis Tuttle, Paul Pugh.

Camden County. *Camden*—Celus G. Harrison, W. I. Sawyer, E. L. Hales.

Carteret County. *Carteret*—Charles V. Webb, for a term of six years.

Caswell County. *Caswell*—Clyde N. Barker, for a term of six years.

Catawba County. *Catawba*—E. M. Yoder, Richard C. Boyd, John F. Carpenter, R. A. Sigmon, J. C. Howard, Cowles Gaither.

Chatham County. *Chatham*—C. A. Snipes, Wade H. Paschal, Truby D. Thrailkill.

Cherokee County. *Cherokee*—B. B. Palmer, Lawson Lunsford, Noah Hembree.

Chowan County. *Chowan*—James E. Wood, J. I. Boyce, D. H. Berryman, Lloyd Briggs, G. E. Nixon, Carey Evans.

Clay County. *Clay*—Paul Caler, Frank Rogers, Frank C. Moore.

Cleveland County. *Cleveland*—W. H. Lutz, C. D. Forney, Sr., A. L. Calton, R. L. Plonk, B. Austell.

Columbus County. *Columbus*—R. J. Lamb, B. H. Small, J. T. Wooten, Jr., B. L. Townsend, Jr., each for a term of two years; M. K. Long, D. Hartford Lennon, James W. Peay, each for a term of four years.

Craven—C. A. Siefert, R. R. King, J. H. West, J. L. Peterson, L. B. Pate, Fred H. Whitehurst, Raymond E. White. Craven County.

Cumberland—Donald McIntyre, R. Glenn Cobb, each for a term of six years. Cumberland County.

Currituck—Orville L. Woodhouse, Charlie Roberts, E. W. Brumley. Currituck County.

Dare—E. N. Baum, R. E. Burrus, E. P. White, W. M. Jolliff, L. W. Harper. Dare County.

Davie—G. N. Ward, S. W. Furches, each for a term of two years; T. C. Pegram, G. H. C. Shutt, for a term of four years; J. B. Cain, for a term of six years. Davie County.

Davidson—Baxter Carter, Roy Lohr, each for a term of four years. Davidson County.

Duplin—Chesley Williams, for a term of six years. Duplin County.

Durham—C. C. Council, Clifton Ball, E. S. Booth, T. O. Sorrell, Eric L. Tilly. Durham County.

Edgecombe—M. P. Edwards, George C. Phillips, each for a term of six years. Edgecombe County.

Forsyth—Dan L. Drummond, Smith Hagaman, Frank A. Stith, Sr. Forsyth County.

Franklin—Jarvis W. Perry, Mrs. D. T. Fuller, Sr. Franklin County.

Gaston—J. Milton Craig, D. Latham Friday, each for a term of two years; E. J. Rhyne, John R. Rankin, each for a term of four years; M. A. Stroup, W. J. Pharr, each for a term of six years. Gaston County.

Gates—S. P. Cross, for a term of six years. Gates County.

Graham—Patton Phillips for a term of six years, Dillard Stratton for a term of two years. Graham County.

Granville—Dr. R. L. Noblin, E. G. Hobgood, B. T. Strother, each for a term of four years. Granville County.

Greene—A. C. Oakes, Ed S. Taylor, W. H. Graves, J. C. Edmundson, W. T. Eason. Greene County.

Guilford—H. A. Millis, Howard E. Carr. Guilford County.

Halifax—Mrs. Anna Kitchen Josey, Mrs. J. T. Thomason, C. L. Kelly, R. C. Rives, T. B. Moss, T. W. Myrick, Mrs. Treva H. Milliken. Halifax County.

Harnett County. *Harnett*—Sidney G. Thomas, C. G. Fuquay, C. U. Skinner, Jr., D. B. Dean, W. M. Pearson.

Haywood County. *Haywood*—H. V. Cagle, R. T. Messer, Vinson Davis, each for a term of four years.

Henderson County. *Henderson*—Floyd E. Osborne, for a term of six years.

Hertford County. *Hertford*—G. T. Underwood, T. N. Charles, R. C. Mason, Jr.

Hoke County. *Hoke*—A. W. Wood, Carl G. Riley, D. B. McFayden, Sr., Robert H. Gatlin, W. L. Gibson.

Hyde County. *Hyde*—N. Forrest Sears, George Cuthrell, J. W. Miller.

Iredell County. *Iredell*—S. H. Houston, C. H. Knox, J. S. Dobson, Halbert F. Crowson, Henry R. Morrison, each for a term of four years.

Jackson County. *Jackson*—John H. Morris, R. L. Ariail, Edwin Fowler, W. R. Enloe, Frank H. Brown, Jr., each for a term of four years.

Johnston County. *Johnston*—P. B. Chamblee, Conrad H. Parker, each for a term of six years.

Jones County. *Jones*—E. M. Philyaw.

Lee County. *Lee*—Dela F. Harris.

Lenoir County. *Lenoir*—Horace L. Sutton, E. S. Wooten, W. B. Becton, A. Forrest Waller, R. S. Parker.

Lincoln County. *Lincoln*—A. A. Beam, T. A. Warlick, Dr. W. G. Bandy, Dorsey Rhyne, Deck Hager.

Macon County. *Macon*—Gordon Moore, Frank Browning, Ed Byrd, Walter Gibson, Robert S. Sloan.

Madison County. *Madison*—J. Clyde Brown, W. T. Moore, E. Y. Ponder.

Martin County. *Martin*—Ferd W. Holliday, Ernest C. Edmondson, George C. Griffin, each for a term of four years.

McDowell County. *McDowell*—J. B. Johnson, for a term of six years; W. L. Morris, for a term of four years; J. C. Goforth, for a term of two years.

Mecklenburg County. *Mecklenburg*—R. G. Eubanks, W. E. Potts, each for a term of six years.

Mitchell County. *Mitchell*—Harper Wilson, for a term of six years.

Montgomery County. *Montgomery*—D. G. Ridenhour, E. R. Wallace, J. E. Maness.

Moore County. *Moore*—H. G. Poole, W. Stuart Evans, G. H. Purvis, L. B. McKeithen, F. D. Farrell.

Nash County. *Nash*—Johnnie G. Vick, John W. Roberson, G. Earnest Beal.

New Hanover—J. C. Roe, L. T. Landen, Emsley A. Laney, Dr. John T. Hoggard, Mrs. C. L. Meister, James S. Craig, Jr. New Hanover County.

Northampton—Dr. John Wesley Parker, Jr., John Shaw, Harry Stephenson, Fulton Bradley, Dr. C. G. Parker, J. G. Madry, Garland L. Ricks. Northampton County.

Onslow—Dr. L. R. Turner, Hugh A. Ragsdale, R. L. Williams, Jr., M. F. Duff, Edward N. Farnell. Onslow County.

Orange—James Compton, C. W. Stanford, Kemp S. Cate, each for a term of two years. Orange County.

Pamlico—P. C. Spruill, B. W. Lupton, J. V. Brinson, J. A. Tingle, Jr., B. J. Mercer. Pamlico County.

Pasquotank—Victor Morgan, Jarvis M. Scott, Dennis Morgan, W. L. Davis, Buxton White, J. H. LeRoy, Haywood Bright. Pasquotank County.

Pender—D. J. Farrior, Chas. R. Rogers, T. J. Henry. Pender County.

Perquimans—Julian A. White, Carroll V. Ward, Mrs. J. R. Futrell, Mrs. A. R. Cook, each for a term of four years. Perquimans County.

Person—E. E. Bradsher, John D. Fitzgerald, Claude T. Hall, Robert L. Hester, Clyde T. Satterfield. Person County.

Pitt—Paul E. Jones, W. F. Stokes, R. H. McLawhorn, Alton Gardner, for a term of four years. Pitt County.

Polk—R. M. Hall, Hugh Jack, Sidney Feagan, John Williams, Grover Green. Polk County.

Randolph—J. R. Rice, Richard Brown, Kenneth Martin, Guy F. Lane, Ferree Ross, each for a term of six years. Randolph County.

Richmond—Fred Phillips, Mrs. Cliff Terry. Richmond County.

Robeson—A. B. McRae, Dr. L. J. Moore, L. E. Hughes, Isham Pitman, W. H. Humphery. Robeson County.

Rockingham—J. L. Roberts, L. W. Matthews, J. O. Thomas, J. B. Stacy, E. S. Powell. Rockingham County.

Rowan—J. F. Link, R. L. Lyerly, each for a term of six years. Rowan County.

Rutherford—Morgan P. Bodie, for a term of six years. Rutherford County.

Sampson—Walter Peterson, B. E. Jackson, Mrs. A. N. Johnson, J. C. Butler, John C. Warren. Sampson County.

Scotland—Edwin Morgan, W. G. Shaw, Jr., Dr. J. M. Gardner. Scotland County.

Stanly County. *Stanly*—A. D. McNiel.

Stokes County. *Stokes*—J. Van Tuttle.

Surry County. *Surry*—P. N. Taylor, J. A. Pell, Jr., C. A. McNeil, J. G. Wood, Dr. J. M. Folger.

Swain County. *Swain*—S. W. Black, Chairman, Oscar Freeman, Neville Wiggins, Frank Redman, Mrs. W. E. Elmore, each for a term of two years.

Transylvania County. *Translyvania*—Dewey H. Winchester, Harry R. Sellers, F. S. Best, each for a term of two years.

Tyrrell County. *Tyrrell*—R. L. Spencer, E. R. Davenport, B. F. Alexander.

Union County. *Union*—J. M. Edwards, Vander S. Simpson, Edwin Lowery, J. V. Brooks, A. W. Collins, each for a term of two years.

Vance County. *Vance*—J. J. White, H. A. Dennis, M. T. Greenway, each for a term of two years; E. B. Taylor, for a term of four years; Harry L. Wright, for a term of six years.

Wake County. *Wake*—Daniel B. Bryan, John A. Park, each for a term of six years.

Warren County. *Warren*—J. E. Rooker, Jr., District No. 1; J. J. Nicholson, District No. 2; Harry W. Walker, District No. 3; E. R. Davis, District No. 4; A. S. Bugg, District No. 5.

Washington County. *Washington*—James W. Norman, L. E. Hassell, P. B. Belanga.

Watauga County. *Watauga*—Clyde Perry, Tom Jackson, S. C. Greene, T. L. Mast, W. R. Cottrell.

Wayne County. *Wayne*—J. D. Hines, for a term of two years; W. R. Allen, R. L. Cox, each for a term of four years; L. R. Jones, Mrs. A. W. Pearce, each for a term of six years.

Wilkes County. *Wilkes*—C. O. McNiel, for a term of six years.

Wilson County. *Wilson*—B. A. Harrelson, Jr., for a term of 2 years; R. F. Speight for a term of 4 years; P. T. Watson for a term of 4 years; Melvin V. Wilkerson for a term of six years.

Yadkin County. *Yadkin*—G. C. Wallace, O. E. Boles, H. A. Taylor.

Yancey County. *Yancey*—Job Thomas, Philip N. Hensley, Fred Ayers.

Oath of office. SEC. 2. That the members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1947, and shall, unless otherwise herein provided, hold office for a term of two years from and after the first Monday in April, 1947, and until

Terms.

their successors are elected and qualified, and, together with the members of the board of education of the several counties whose terms will not expire on the first Monday of April, 1947, shall constitute the board of education of the respective counties.

Per diem and mileage allowances from State School Fund.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

Allowances from County school fund.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 846 **CHAPTER 849**

AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES TO CONFER UPON THE SANITARY DISTRICTS OF ROCKINGHAM COUNTY CERTAIN ADDITIONAL POWERS RELATING TO WATER AND SEWAGE SYSTEMS.

The General Assemby of North Carolina do enact:

G. S. § 130-39, amended.

SECTION 1. Section 130-39 of the General Statutes is hereby amended by adding at the end thereof two new Subsections to be numbered Subsection 17 and 18 and to read as follows:

Additional powers conferred upon sanitary districts, Rockingham County.

17. In addition to the powers now conferred upon the sanitary districts of Rockingham County, all or any of said districts in said county are hereby authorized and empowered to require the owners of improved property along or abutting the line or lines of water and/or sewage systems to connect with said water and sewage systems.

18. To fix and prescribe the rates or charges for the use of the water and/or sewage systems and provide for the collection of such charges.

Application of Act.

SEC. 2. This Act shall apply only to Rockingham county.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 4. An existing emergency and the public interest require that this Act become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 860 **CHAPTER 850**

AN ACT RELATING TO THE FEES OF JUSTICES OF THE PEACE AND TRAVEL ALLOWANCES OF CERTAIN OFFICERS IN SAMPSON COUNTY.

The General Assemby of North Carolina do enact:

Schedule of fees, Justices of Peace, Mayors, Sampson County.

SECTION 1. In Sampson County fees to be charged by justices of the peace and mayors shall be as hereinafter set out:

Civil matters.

Bill of Cost in Civil Matters
Fees of Justices of the Peace

Summons, each	$ .50
Additional Defendants, each	.25
Affidavits, each	.50
Plaintiff's Undertaking, each	.50
Order to Seize Property, each	.50
Affidavit for Removal, each	.50
Order of Removal, each	.50
Subpoena, each	.25
Trial When Issues Joined, each	1.50
Trial When No Issues Joined, each	1.50
Transcript of Judgment, each	.25
Execution of Judgment, each	.75
Return on Appeal, each	1.00
Docketing of Appeal, each	.50
Jury Trial & Entering Verd., each	2.00

Criminal cases.

Bill of Cost in Criminal Cases
Fees of Justices of the Peace

Affidavit, each	$ .50
Warrant, each	1.00
Subpoenas, each	.25
Commitment, each	.50
Recognizance, each	.50
Judgment contested, each	2.00

Judgment, not contested, each	1.50
Affidavit for Removal, each	.50
Order of Removal, each	.50
Capias and Order, each	1.00

Provided, that when a fee is not fixed herein such fee shall be charged as is now provided by law in Sampson County.

Fees not fixed by this Act, governed by existing laws applicable.

SEC. 2. The deputy sheriffs on fee basis, and constables, who travel more than ten miles in conveying a prisoner or prisoners to jail, shall be entitled to a fee of five cents (5c) per mile, the total mileage fee not to exceed two dollars and fifty cents ($2.50) for any one trip, which shall be charged as a part of the bill of cost in the case.

Fees of certain officers for conveying prisoners.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 913 CHAPTER 851

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF SUPPLEMENTING THE SALARIES OF THE FARM DEMONSTRATION AGENT AND THE HOME DEMONSTRATION AGENT OF MADISON COUNTY.

The General Assemby of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Madison County is hereby authorized, in its discretion, to levy a special tax not to exceed five cents (5c) upon the one hundred dollars ($100.00) valuation on all property subject to ad valorem taxation, such special levy to be over and above the limit set out in Article V, Section 6 of the Constitution of North Carolina, and to be for the special purpose of paying or supplementing the salaries of the Farm Demonstration Agent and the Home Demonstration Agent of Madison County.

Special tax levy for salaries of Farm and Home Demonstration Agents, Madison County.

SEC. 2. All official acts heretofore undertaken or performed and all tax levies heretofore made for the purpose of paying or supplementing of salaries of the Farm Demonstration Agent

Validation of previous tax levies and salary payments.

or the Home Demonstration Agent of Madison County are hereby validated and confirmed in all respects.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 914 CHAPTER 852

AN ACT TO LIMIT THE FEES PAID TO THE TOWN OF MORGANTON FOR THE COLLECTION OF GRADED SCHOOL TAX BY AMENDING SECTION 2 OF CHAPTER 305 OF THE PUBLIC LAWS OF 1937.

The General Assembly of North Carolina do enact:

Ch. 305, Public Laws, 1937, amended.

SECTION 1. Section 2 of Chapter 305 of the Public Laws of 1937 is amended by striking out the last two lines in said Section and substituting in lieu thereof the following:

Limitation of cost of collecting graded school tax, Town of Morganton.

The actual cost of collecting said tax, but in no event to exceed four per cent (4%) of the total amount collected.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 934 CHAPTER 853

AN ACT TO AMEND SECTION 67-13 OF THE GENERAL STATUTES OF NORTH CAROLINA, AND TO EXEMPT ALAMANCE COUNTY FROM CERTAIN PROVISIONS THEREOF, AND TO REPEAL CHAPTER 50 OF THE PUBLIC LAWS OF 1935.

The General Assembly of North Carolina do enact:

G. S. § 67-13, amended, exempting Alamance County from law providing payments for injuries by dogs.

SECTION 1. Section 67-13 of the General Statutes is hereby amended by inserting between the word "to" in line 23 of the Section and the word "Anson" in lines 23 and 24 of the Section the word "Alamance".

SEC. 2. That Chapter 50 of the Public Laws of North Carolina of the Session of 1935 be and the same is hereby repealed.

Ch. 50, Public Laws, 1935, repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three titmes and ratified, this the 4th day of April, 1947.

H. B. 949 CHAPTER 854

AN ACT TO AMEND CHAPTER 422 OF THE SESSION LAWS OF 1945, RELATING TO FEES AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. (a) Fees, costs, and commissions to be charged and collected by the Clerk of Superior Court of Forsyth County for services rendered by him shall be as hereinafter set out: *Provided*, that when a fee, cost, or commission is not fixed herein such fee, cost or commission shall be charged as set out in Chapter 422 of the Public-Local Laws of 1939 if provided for therein; if not, then as set out in the General Statutes of North Carolina, and the fees, costs, and commissions herein set out shall be charged and collected by the Clerk and paid over to Forsyth County not later than the fifth of each month as provided by law.

Fees, costs, and commissions of Clerk of Superior Court, Forsyth County.

Application of Ch. 422, Public-Local Laws, 1939, and General Statutes, as to items not covered by this Act.

(b) All costs, commissions, and fees for services rendered as provided by the Clerk in all civil actions, criminal actions, and special proceeding pending in the Superior Court of Forsyth County on the date of ratification of this Act shall be computed, charged, and collected as herein provided, the parties to be given credit for the fees, costs, and commissions theretofore paid in any such action or special proceeding.

Application of Act to pending actions and proceedings.

SEC. 2. The Clerk shall not charge any fee for the following services:

Services rendered by Clerk without charge.

(a) Administration of oath to:

Assistant Judge of Municipal Court
Alderman
Appeal Agent for draft board
Assistant Solicitor for Municipal Court or 11th Judicial District.

Board of Elections Member
Constable
County Commissioner
Chief of Police
Commissioner for drainage of sanitary district
Deputy Register of Deeds
Deputy Sheriff
Draft Board Member
Judge of Juvenile Court
Judge of Municipal Court
Judge of Superior Court
Judge or other election official
Justice of the Peace—if elected
Physicians for Draft Board
Postmaster
Register of Deeds
Registrar
Solicitor for Municipal Court or 11th Judicial District
Sheriff
Tax Collector
Tax Supervisor
Tax Assessors

(b) Administration of oath and issuing certificate with seal for commitment to Caswell Training School, State Sanitorium or like institutions.

(c) Administration of oath and use of seal for benefit of county or any of its departments except in actions in Superior Court and special proceedings.

(d) Affidavits of Veterans if for Government use and only one for the same purpose.

(e) Bond—taking justification on bond for public official of Forsyth County for faithful performance of duty when bond is payable to Forsyth County or State of North Carolina.

(f) Confederate Pension checks—witnessing endorsement with seal.

(g) Certificate with seal to Federal or State authorities for parole supervisor.

(h) Commitment of insane persons, epileptics or idiots to a Federal, State, or private institution, including notices, etc.

(i) Candidates in primary or general election—filing report and taking affidavit.

(j) Execution of extradition papers.

(k) Filing papers in any matter pending in Superior Court, probate court, or special proceeding.

(l) Filing automobile tax report.

(m) Hearing before Clerk in special proceeding, probate court, or Superior Court actions.

(n) Impaneling jury.

(o) Postage

(p) Referee, appointment by Clerk or Judge.

(q) Recognizance where no bond is taken.

(r) Separation papers for child under six months from its mother.

(s) Subpoena in civil or criminal action.

(t) Witness certificate including jurat.

(u) Administration of estates:

(1) Appointment of process agent.
(2) Filing renunciation of right.
(3) Opening lock box of missing person.
(4) Issuing certificate of discharge to bondsmen of fiduciaries.

(v) Special Proceedings:

(1) Sale of any personal property by fiduciary—no clerk's fee.

(w) Wills:

(1) If will or codicil presented cannot for any reason be probated, then there is no clerk's fee in connection therewith.

(2) Dissent to will—filing and recording, no fee.

Time of payment of fees.

SEC. 3 (a) All fees herein set out, with the exception of those chargeable in criminal matters, those chargeable to the plaintiffs in pauper actions, and those chargeable to the Federal Government, the State Government, a municipality, or any agency of said governments, are to be paid at the time services are rendered, or at the time same may be computed as herein set out; and there is to be no refund of any fees or costs except in the case of qualification of the public administrator, when

No refund of fees or costs; exception.

he determines there are no assets in the estate whatsoever, or as otherwise provided in this Act. In the case of the public administrator, the Clerk shall refund the qualification fee and any other fee paid by the said public administrator, and said refund shall be charged to the account of fees earned by the office and due the county. In the case of a pauper action, the fees and costs are payable immediately upon rendition of judgment by the person adjudged to pay such fees and costs; and in the case of a Federal Government, State Government, municipality, or any agency of any of said governments, statement for fees or costs due shall be rendered to either of them immediately upon the performance of any service in its behalf.

Payment of fees and costs in pauper actions.

Statement of fees and costs rendered to Federal, State, and local governments and agencies.

Commissions on trusts and other funds.

SEC. 4. (a) Commissions to be charged by the Clerk on trusts and other funds received by him.

Commissions on funds of minors, insane persons, et al.

(1) Funds for minors, insane persons, idiots, lunatics, or anyone adjudged by law as incompetent to handle property:

No commission shall be charged on a fund of five hundred dollars ($500.00) or less, and no commission shall be charged on the earnings of any fund, but a five per cent (5%) commission shall be charged on the whole of a fund in excess of five hundred dollars ($500.00), even though it is paid in under an order of court.

Commissions on funds for upkeep of graves, etc.

(2) Funds for upkeep of graves and cemeteries:

No commission shall be charged on a fund of five hundred dollars ($500.00) or less, and no commission shall be charged on the earnings of any fund, but a five per cent (5%) commission shall be charged on the whole of a fund in excess of five hundred dollars ($500.00), even though it is paid in under an order of court.

Commissions on funds held for heirs, distributees, etc.

(3) Funds for heirs, distributees, etc:

Five per cent (5%) commission shall be charged for the receipt of all funds carried under miscellaneous trust accounts for heirs, distributees, and legatees; on surplus from sale of land by a trustee or other person; and on stocks, even though the money is paid or the property is delivered to the Clerk under an order of court. *Provided,* the provisions of this Subsection shall not apply to heirs, distributees, or other persons who by law are incompetent to manage their property.

Commissions on payments on increased bids, judgments, etc.

(4) Increased bids, payments on or in full of judgments, decrees, executions, and tenders in pending action:

No commission is to be charged on these funds unless they come within the provisions of paragraph (1) and (2) of Section 4.

(5) Other Funds:

Commissions on other funds handled by Clerk.

No commission shall be charged on other funds received by the Clerk by virtue of his office when the total amount paid, or to be paid, is five hundred dollars ($500.00) or less; but when the total amount paid, or to be paid, is in excess of five hundred dollars ($500.00), then the Clerk shall charge five per cent (5%) commission on the whole of said funds.

(6) Transfer of a fund from minor trusts to miscellaneous trusts or from miscellaneous trusts to minor trusts shall be made when necessary without further commission.

Transfer of certain funds without commission.

SEC. 5. (a) Court Costs.

(1) Civil actions in Superior Court.

Costs in civil actions in Superior Court.

(The following fees include the issuance of all summonses in said actions, and are to be paid at time action is instituted.)

(2) For divorce, alimony, or annulment or suit to set aside a judgment in either of said actions:

Costs in actions for divorce, alimony, annulment, etc.

(a) Uncontested:

Costs when case uncontested.

Total Clerk's fee through rendition and docketing of judgment	$11.00
Process tax	4.00
Jury tax (minimum)	3.00
	$18.00

The fee of eighteen dollars ($18.00) includes the certificate and seal on one copy of judgment, but does not include the copying of the judgment.

(b) Contested:

Costs when case contested.

The same fee of eighteen dollars ($18.00) as in an uncontested case, plus jury tax of three dollars ($3.00) per hour for each hour or fraction thereof over one, and plus fee for stenographer when used. The above provision for certifying one copy of the judgment applies.

(3) Claim and delivery, or attachment, or garnishment, or arrest and bail, or suit when an injunction, restraining order, or the appointment of a receiver is prayed for in the complaint, or suit in equity, or any other action with an ancillary remedy:

Costs in claim and delivery, attachment, and other ancillary proceedings.

All plaintiffs and one defendant, total Clerk's cost through rendition and docketing of judgment fourteen dollars ($14.00), plus process tax and plus one dollar ($1.00) for each additional defendant over one up to a maximum of fifty dollars ($50.00) for additional defendants. In addition there shall be charged jury tax and court stenographer's fee as provided by law.

Costs in actions on note, in tort, caveat to will, and other civil actions.

(4) Suit on note, or in tort, or caveat to will, or writ of mandamus, or writ of certiorari, or writ of recordari, or suit in equity, or suit in action under declaratory judgment statutes, or any other civil action in the Superior Court when an ancillary remedy is not resorted to at the time of the institution of the action, and when not otherwise herein provided for.

All plaintiffs and one defendant, total Clerk's cost through rendition and docketing of judgment fourteen dollars ($14.00), plus process tax and plus one dollar ($1.00) for each additional defendant over one up to a maximum of fifty dollars ($50.00) for additional defendants. In addition there shall be charged jury, and court stenographer's fee as provided by law.

Costs in certain actions when ancillary remedy resorted to during pendency of action.

(4½) When any of the ancillary remedies enumerated in paragraph 3 above are not resorted to at the time of the institution of the action but are asked for during the pendency of the action, additional Clerk's costs for same shall be five dollars ($5.00) plus costs as herein set out for new parties or cost for additional defendants.

Extra cost for new parties added.

(5) For each new party in any of the actions herein, the Clerk's fee shall be two dollars ($2.00).

Costs in tax and street assessment suits.

(6) Tax and street assessment suits:

All plaintiffs and all defendants, total Clerk's fee, including all auditing fees in connection therewith, eighteen dollars ($18.00).

Costs in pauper cases.

(7) Pauper Cases:

The same fees and costs are taxable as set out in the preceding paragraphs, but are not to be paid at the time services are rendered. They are due and payable as set out in Section 3.

Process tax.

(8) Process Tax:

(a) There shall be levied a process tax of two dollars ($2.00) subject to all the provisions of the General Statutes of North Carolina, Chapter 105, Section 93, as hereafter amended; that said process tax is to be paid to the General Fund of Forsyth County and credited as fees and costs earned by the Clerk.

(9) Removal of a case to any court in another county or to the Federal Court: Fees for removal of case to another court.

The regular fees for making up or verifying, and certifying the record, since all other costs have been included in the flat fees for cases hereinabove set out.

(10) In the removal to another county or to the Federal Court of any of the foregoing actions in Superior Court, the Clerk shall retain one-half of the Clerk's fee collected and shall retain the process tax, remitting to the Clerk with the papers the remaining one-half of the Clerk's fee together with any jury tax collected. Retention of certain fees in removal cases.

(11) The Clerk's cost for docketing any case removed from another county shall be one-half of the cost that would have been advanced if the action had been instituted in this county plus the jury tax, if it is an action where the jury tax would have been collected in advance. Clerk's cost for docketing case removed from another county.

(12) Judgment of Nonsuit: Clerk not required to docket nonsuit judgments.

When a judgment of nonsuit is taken in any action either in the Superior Court or in the Probate Court, it shall not be necessary for such judgment to be docketed by the Clerk.

(13) Criminal Actions: Clerk's fee in criminal cases.

(a) Upon the trial of any criminal case wherein the defendant is adjudged to pay the costs, the Clerk shall tax as his total fee for each defendant in each case, whether tried alone, or with other defendants, or when cases are consolidated for trial, the sum of five dollars ($5.00).

(b) Cases remanded to Municipal Court: Clerk's cost in cases remanded to Municipal Court.

If any case is remanded to the Municipal Court by the Judge of the Superior Court, the defendant shall pay Clerk's cost of five dollars ($5.00) when case has been docketed, but no cost when case has not been docketed.

(14) Habeas Corpus: (Other than in Criminal Actions) Habeas corpus (non-criminal).

Total Clerk's fee through rendition and docketing of judgment, five dollars ($5.00), plus process tax.

(15) Confession of judgment: Confession of judgment.

Total Clerk's fee through rendition and docketing of judgment, five dollars ($5.00).

SEC. 6. Fiduciaries:

(a) Definition: Definition of fiduciary.

When the word fiduciary is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator c.t.a. d.b.n., administrator d.b.n., collector, surviving partner, commissioner, guardian, trustee for any incompetent or insane person, trustee under any will, trustee under any instrument in which property may be sold, or any other person appointed by the Clerk or any other court to administer a trust or an estate that shall come under the jurisdiction of the Clerk, or when the Clerk is required by law or order of any court to supervise the administration of an estate or to audit the inventories and accounts filed by any such person.

Accounting costs.

(b) Accounting Costs:

(1) For each executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a. d.b.n., collector, surviving partner, guardian, trustee for an incompetent, trustee under will, receiver, or other fiduciary required by law to file an inventory and then an account or accounts similar to those of the fiduciaries already named, fees due the Clerk shall be computed by the following:

Clerk's fees for permanent inventory; formula.

(a) For the ninety-day inventory, thirty-day inventory, or similar inventory (any such inventory being hereinafter called a permanent inventory) S=P

Fees for annual or other periodic accounts; formula.

(b) For an annual, semiannual, quarterly, interlocutory, or other similar account of receipts and disbursements (any such account being hereinafter called an annual account) S=N + 1 + ⅛ P

Fees for other reports reflecting new principal value.

(c) For any other written report received by the Clerk and reflecting new principal value (as defined below under N) whether such report is filed by such fiduciary or by the North Carolina Department of Revenue. S=N

Meaning of letters used in formulae:

(d) The meanings of the letters S, P, I and N in the above formulae are herein defined as follows:

Meaning of letter "P."

(1) P represents personal property, including proceeds from sale of real estate, and also including real estate purchased by the fiduciary. For the permanent inventory and the first annual account, P shall be the value of such assets as shown by the permanent inventory. For each annual account after the first, P shall be the value of such assets, as shown by the inventory portion of the annual account preceding. Anticipated income shall not be included.

(2) I represents income received during an accounting period, in cash or in kind. Meaning of letter "I."

(3) N represents new principal value, not previously reflected by an inventory or account of the fiduciary, with the exception that proceeds from sales such fiduciary was licensed to make in special proceedings shall not be included in computing N unless such fiduciary elected to file an unnecessary and extra report of receipts and disbursements, thus causing double auditing and recording. Advancements, gifts, and increases due to previous underestimations of value shall be included in computing N, except in final reports when the maximum fee of three hundred dollars ($300.00) has already been collected on the report preceding. Meaning of letter "N."

(4) S represents the amount determined by application of the appropriate formula above, upon which fees are to be computed according to the following tabulation: Meaning of letter "S."

AMOUNTS		FEE
.00 through	$250.00	no fee
$250.01 through	$1500.00	$ 3.00
$1500.01 through	$150,000.00	.20 per hundred dollars or fraction thereof.
Above	$150,000.00	$300.00

(e) A trustee under a will or other fiduciary succeeding himself or another as fiduciary for the same assets, shall be subject to these fees as if there have been no predecessor fiduciary except in situations (1) where an executor or administrator succeeds himself as trustee or guardian by death of the ward within thirty days of appointment of said trustee or guardian, (2) where discovery of a will requires a new appointment to issue, and (3) other similar situations in which the succession is not in any degree caused by the person whose estate is being administered; in such cases, only twenty per cent (20%) of the normal fee shall be charged. No final report fee shall be collected unless N, as defined above, shall appear therein. Each fee shall be collected upon the filing of the permanent inventory, annual account, or other report from which it arises. Fees in situations where successive fiduciaries involved as to same assets; exceptions. Final report fee.

(f) Where the sole purpose of the qualification of a guardian or trustee is to obtain a loan for the ward's estate, only twenty per cent (20%) of the normal fee shall be charged. Fees when guardian or trustee qualifies solely for obtaining loan for ward.

(g) In the event no representative qualifies to administer a surviving partnership upon the death of a partner, when an estate involves a partnership, fees shall be collected by the Fees when no representative qualifies to administer surviving partnership.

Clerk from the estate involved, said fees to be equivalent to one-half the fees collectible under the provision of this Subhead A, if a surviving partner or collector had qualified and filed a permanent inventory and a final report and had not filed either a report showing N, as defined above, or an annual account.

Fees prescribed, full payment to Clerk for enumerated services.

Services covered.

(h) The fees herein prescribed shall constitute complete payment to the Clerk for all of the following for which fees might have fallen due after the ratification of this Act: accountings, auditing same, petitions, orders by the Clerk, reports of sale, increased bids, confirmations, postage used by the Clerk, hearings had by the Clerk relative to accountings, findings of fact by the Clerk, affidavits, all necessary recording, all certified copies of letters issued after qualification of the fiduciary, all oaths before the Clerk on any papers mentioned in this paragraph, and all papers normally necessary in the orderly settlement of the matters involved, with the exception of notices, subpoenas and citations, and certified copy of all or a part of the records of an estate to another county, or for any other purpose, and an exemplified copy of a will, probate, etc. to be recorded in another state, and a certified copy of a will, probate, etc. to be recorded in another county in North Carolina or for any other purpose.

Application of provisions of this subhead as to fiduciaries.

(i) Provisions of this Subhead shall apply to fiduciaries who have qualified but have not been discharged on or prior to the date this Act becomes effective, and to fiduciaries who qualify thereafter.

Fees for accountings of commissioners to sell real or personal property, etc.

(2) For each accounting of a commissioner appointed to sell either real or personal property, and for each accounting of any other fiduciary specially licensed to sell property for which such fiduciary would not be accountable without institutiing a special proceeding, there shall be a fee charged in the bill of costs, said fee to be thirty cents (30c) for each one hundred dollars ($100.00), or fraction thereof, of the gross sale price. Said fee shall be the same whether said accounting is to be recorded or not, and whether or not said accounting is to be included in the regular accounting of a fiduciary for assets for which he would be accountable without instituting a special proceeding. Said fee shall cover auditing, recording if necessary, postage, hearings had by the Clerk regarding the accounting, and oath before the Clerk if necessary. In no instance shall said fee be less than three dollars ($3.00) or more than three hundred dolars ($300.00).

Services included in fee.

Minimum and maximum fees.

Fees applicable in proceedings for foreclosure of deeds of trust, etc.

(3) The following fees shall apply in foreclosure proceedings under deeds of trust, mortgage deeds, or other instruments requiring such proceedings.

Initial fee.

(a) Initial fee of three dollars ($3.00), to be collected upon the filing with the Clerk of the first paper relative to such proceeding.

Final fee.

(b) Final fee, to be collected upon the filing with the Clerk of the final report of receipts and disbursements if the gross sale price of the property foreclosed exceeds one hundred dollars ($100.00), said fee to be twenty cents (20c) per hundred dollars ($100.00), or fraction thereof, of the gross sale price. In no instance shall said final fee exceed fifty dollars ($50.00).

Services included in fee for foreclosure proceedings.

(c) For each foreclosure proceeding said initial fee and final fee shall cover any and all of the following: Preliminary report, increased bids, orders of resale, reports of resale, confirmation, final report of receipts and disbursements, affidavits, assignments of bids, oaths to affidavits and reports before the Clerk, postage, hearings had by the Clerk relative to the foreclosure proceedings, necessary recording, indexing, docketing, and any other of the Clerk's services normally incident to such a proceeding, except probate fees on conveyances incident thereto.

Application of Act to pending foreclosure proceedings.

(d) For foreclosure proceedings pending on the date this Act becomes law, and in which final reports have not been filed prior to such date, the total fees collected by the Clerk (exclusive of probate fees) shall conform to the total which would be collected if the foreclosure in question had been instituted in the Clerk's office on or after such date.

Fee for substitution of trustee in foreclosure.

(e) Substitution of trustee in foreclosure: Clerk's fee, one dollar ($1.00), which includes probate.

Fee in Special Proceedings.

(4) Special Proceedings:

(a) Filing report of sale by executor under a will, duly qualified in another county, where no report of receipts and disbursements are filed, the sum of five dollars ($5.00) shall be collected as in other ex parte proceedings.

Appointment costs:

(5) Appointment Costs:

Corporate surety.

(a) With corporate surety, five dollars ($5.00). This fee pays for issuance of original letters and all copies thereof.

Personal surety.

(b) With personal surety, five dollars ($5.00), plus two dollars ($2.00) per hour or fraction thereof for the investigation of each surety tendered. This fee pays for issuance of original letters and all copies thereof.

Fees for inventory of lock box.

(6) Fees for inventory of lock box or other place of deposit:

(a) Two dollars ($2.00) for each hour or fraction thereof, minimum fee, two dollars ($2.00).

(b) One dollar ($1.00) for each hour or fraction thereof for stenographer, if used, for the taking and transcribing of inventory.

Fees for probate of wills.

SEC. 7. (a) Wills (Executed, Holograph & Nuncupative) when Probated:

(1) Certificate of receipt, application for probate, examination of witnesses, one verified copy of will to executor, order of probate, indexing, notices to beneficiaries, and recording will, first seven pages of entire record, ten dollars ($10.00). For each additional page of record or fraction thereof, one dollar ($1.00). Minimum fee, ten dollars ($10.00).

Fees for probate of codicil.

(b) Codicil to a will:

Certificate of receipt, application for probate, examination of witnesses, one verified copy to executor, order of probate, indexing, notices to beneficiaries, and recording, entire fee provided codicil does not exceed one page, three dollars ($3.00). For each additional page of codicil, one dollar ($1.00).

Fees for filing will or codicil for safekeeping.

(c) Filing will or codicil in office of Clerk Superior Court for safekeeping, one dollar ($1.00).

Fees in ex parte special proceedings.

SEC. 8. (a) Special Proceedings:

(1) Ex Parte:

Proceedings for sale to create assets or for partition of property.

(a) For assets, partition, or deed of assignment: In all ex parte proceedings for sale or mortgage of land to create assets or for partition of real or personal property, there shall be paid at the time the proceeding is instituted the sum of five dollars ($5.00), which is the total fee to be charged by the Clerk, except accounting costs, if the sale price or the valuation set by the commissioners is five hundred dollars ($500.00) or less. If the sale price or the valuation set by the commissioners exceeds five hundred dollars ($500.00), then there shall be paid an additional Clerk's fee of twenty cents (20c) on the hundred dollars ($100.00) or fraction thereof in excess of five hundred dollars ($500.00), maximum additional fee, one hundred dollars ($100.00). This fee shall be the total Clerk's fee, and shall pay for all services rendered by the Clerk in said proceeding, except accounting costs.

(b) For reopening any estate including petition and order, necessary letters, final report and discharge, five dollars ($5.00). If for new assets, then auditing fee shall apply in addition. Minimum fee, five dollars ($5.00). Reopening estates.

(c) Change of name: Change of name.

Entire proceeding before the Clerk, including certificate with seal as to change, five dollars ($5.00) for each person.

(d) Transfer of funds to foreign jurisdiction: Transfer of funds to foreign jurisdiction.

Entire proceeding before the Clerk, including recording, ten dollars ($10.00).

(e) Legitimation proceeding: Entire proceeding before the Clerk including certified copy of order with seal, five dollars ($5.00) for each person. Legitimation proceeding.

(f) Adoption proceeding: Seven dollars and fifty cents ($7.50), which shall include all services rendered by the Clerk. Adoption proceeding.

(g) Competency proceeding: Competency proceeding.

(1) Proceeding to declare person incompetent, fifteen dollars ($15.00), plus jury tax of ten dollars ($10.00).

(2) Proceeding to declare person competent, fifteen dollars ($15.00.), plus jury tax of five dollars ($5.00).

(3) Commitment of an inebriate or drug addict to a Federal, State, or private institution, total Clerk's fee, five dollars ($5.00), plus sheriff's fee, transportation charges and other charges incident thereto.

(h) Widow's year's allotment: Widow's year's allotment.

1. Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15, 16, and 17, one dollar ($1.00), to be paid by representative of estate or by widow if no qualification on estate.

2. Entire proceeding under G. S. 30-19, 20, and 21, fifteen dollars ($15.00) to be paid by representative of estate or by widow if no qualification on estate.

(i) Widow's Dower: Dower.

The same fees and costs apply as are set out for proceedings to create assets or for partition, the value of the dower to be the basis for the computation of the fees and costs.

Condemnation proceeding.

(j) Condemnation Proceeding:

The same fees and costs as for adverse special proceedings for partition or to create assets; *provided,* the forty cents (40c) for each hundred ($100.00) over five hundred dollars ($500.00) is to be charged on the damages assessed by commissioners rather than on valuation.

Fees in adverse special proceedings.

(2) Adverse:

(a) For assets, partition, or assignment for benefit of creditors:

Proceedings to create assets, for partition of property, etc.

In all adverse proceedings, whether to create assets, for partition, or under deed of assignment, there shall be paid at the time proceeding is instituted the sum of ten dollars ($10.00), which is the total fee to be charged by the Clerk except accounting cost, if the sale price or the valuation set by the commissioners is five hundred dollars ($500.00) or less. If the sale price or the valuation set by the commissioners exceeds five hundred dollars ($500.00), then there shall be paid an additional Clerk's fee of forty cents (40c) on the hundred dollars ($100.00) or fraction thereof in excess of the five hundred dollars ($500.00), maximum additional fee, two hundred dollars ($200.00), except accounting cost. If it shall appear to the Clerk that there will be an unreasonable delay in the completion of a proceeding, he may in his discretion compute his fees and costs as herein provided at any time he deems it advisable after the sale of any tract or tracts or after a division of a part of the land, and may require same to be paid without waiting until the proceeding has been completed.

Certain fees heretofore charged by Clerk, ratified.

(3) (a) The fees heretofore charged by the Clerk in special proceedings or in the auditing of accounts are hereby ratified.

Individual fees chargeable where no aggregate fee fixed.

SEC. 9. (a) The following individual fees are chargeable where no total or aggregate total fee has been fixed, or where such total or aggregate fee is not used.

Acknowledgments.

(1) Acknowledgments, twenty-five cents (25c) for each person, including each private examination of a wife. (In case of probate, add probate fee.) Special examination of wife, one dollar ($1.00), which includes probate.

Advertising and selling property under mortgage, etc.

(2) Advertising and selling property, either real or personal, under a mortgage deed, deed of trust, or chattel mortgage given in lieu of bond, five per cent (5%) of the sale price, minimum fee, five dollars ($5.00). This fee does not include auctioneer's fee, but the Clerk is hereby authorized to pay a reasonable auctioneer's fee from the proceeds of the sale.

(3) Affidavit, twenty-five cents (25c), including jurat, except affidavits on inventories, annual and final accounts of fiduciaries, and affidavits taken for Forsyth County. Affidavits.

(4) Apprentices: Apprenticing infants.

(a) Apprenticing infant, including indenture, five dollars ($5.00);

(b) Order apprentice or master to appear before court, two dollars ($2.00);

(5) Bonds: (other than fiduciary) Bonds (other than fiduciary).

(a) Taking bond, including justification of each surety, fifty cents (50c). If necessary to investigate surety, then there shall be charged two dollars ($2.00) per hour or fraction thereof for the investigation of such surety, in addition to justification fee.

(b) Approval: Certificate and seal, fifty cents (50c).

(c) Filing and indexing bond required of a college, including certificate to State Department, two dollars ($2.00).

(d) Photographer's bond (or other bond of similar nature) filing and indexing, two dollars ($2.00).

(6) Certificate, twenty-five cents (25c), except when discharging fiduciary bondsmen. If the certificate is written by the Clerk, fifty cents (50c) for each page or fraction thereof in addition to the fee for certification. Certificates.

(7) Corporations: Fees relating to handling corporate certificates, etc.

(a) Corporation certificate, certificate of credit union, and certificate of co-operative association, recording, first four pages, three dollars ($3.00), including certificate of Secretary of State, plus fifty cents (50c) for each additional page or fraction thereof. Minimum fee, three dollars ($3.00).

(b) Amendment to corporation certificate, certificate of credit union, or certificate of co-operative association, the same charge as that of the original of these certificates, with a minimum fee of three dollars ($3.00).

(c) Certificate of dissolution, recording and indexing, one dollar ($1.00).

(8) Commission to take deposition and other commission except for proof of will, with seal, two dollars ($2.00). Commission to take deposition.

(9) Deed of Separation, taking acknowledgment of husband and wife or either of them, two dollars ($2.00), which includes special examination of wife, the probate, and seal, if desired. Deed of separation, acknowldgment.

Exemplification of records.

(10) Exemplification of record, two dollars ($2.00) for all certificates, plus fees for verification or making up of the record as the case may be.

Execution on money judgment.

(11) Execution on money judgment, regular form, one dollar and fifty cents ($1.50), including docketing the return.

Execution against person.

(12) Execution against the person, five dollars ($5.00) for each person, which includes hearing on motion for execution, issuance, and docketing return.

Execution for specific property.

(13) Execution for specific property, two dollars and fifty cents ($2.50), including docketing of the return.

Execution for possession of property.

(14) Execution for possession of property, two dollars and fifty cents ($2.50), including docketing of the return.

Filing declaration of action of divorce.

(15) Filing declaration of action of divorce; indexing and recording, two dollars ($2.00).

Jury tax and stenographer's fee.

(16) Jury tax and stenographer's fees, same as in criminal actions.

Qualifying Justice of the Peace.

(17) Justice of the Peace—when appointed by Governor or Legislature and not elected—qualifying, indexing and notification to Governor, one dollar ($1.00).

Lis pendens.

(18) Lis pendens, docketing notice of and cancelling, including indexing, one dollar ($1.00) for first page, with fifty cents (50c) for each additional page or fraction thereof.

Liens.

(19) Lien, recording, including indexing, minimum fee three dollars ($3.00), which covers three pages, with fifty cents (50c) for each additional page or fraction thereof.

Restoring maiden name after divorce.

(20) Maiden name, restoring after absolute divorce, one dollar ($1.00).

Qualifying Notary Public.

(21) Notary Public, qualifying, indexing, and notification to Governor, one dollar ($1.00).

Filing papers qualifying newspapers for legal advertising.

(22) Newspapers, for filing and indexing all papers necessary in complying with G. S. 1-597 and 598, Clerk's fee one dollar ($1.00).

Registration certificates, members of certain professions.

(23) Registration certificates: Nurses, architects, chiropodists, chiropractors, medical doctors, dentists, optometrists, osteopaths, and all other persons required to be registered in the same manner, including seal, one dollar ($1.00).

Orders not otherwise provided for.

(24) Orders not otherwise provided for, whether signed by by Judge or Clerk, one dollar ($1.00).

(25) Naturalization: Naturalization.

(a) Receiving and filing declaration of intention and issuing a duplicate thereof, five dollars ($5.00).

(b) Making, filing, and docketing a petition for citizenship, issuing a certificate of issuance authorized by court, and for final hearing on the petition, five dollars ($5.00).

(26) Partnership, fiiling and indexing regular and limited partnership, two dollars ($2.00). Partnership papers.

(27) Pistol permit, taking affidavits of two persons and issuing permit, with seal, two dollars ($2.00). Pistol permits.

(28) Probate of any instrument (except a will), fifteen cents (15c) for each certificate passed on. Probate of instruments (except wills).

(29) Process agent, filing and recording, one dollar ($1.00), except in estates. Process agent.

(30) Recording, not otherwise provided for, fifty cents (50c) for each page or fraction thereof. Recordings not otherwise provided for.

(31) Searching records not otherwise provided for, two dollars ($2.00) per hour, minimum fee, two dollars ($2.00). Searching records.

(32) Transcript: Transcripts.

(a) Recording transcript of judgment from justice of the peace, regular form, one dollar ($1.00); long form, one dollar ($1.00) for first page and fifty cents (50c) for each additional page or fraction thereof.

(b) Recording transcript of judgment from another county "the same fee charged for filing, docketing and indexing a transcript of judgment in the office of the Clerk of Superior Court of the county from which the transcript is sent to Forsyth County". G. S. 1-236.

(c) Issuing transcript of judgment, regular form, one dollar ($1.00) (including the issuance of certificate of satisfaction).

(d) Issuing transcript of any matter of record or paper on file, one dollar ($1.00) for first page with fifty cents (50c) for each additional page, plus fee for certificate and seal if needed. Minimum fee, one dollar ($1.00).

(33) Seal of Office: Twenty-five cents (25c). Seal of office.

(34) Sheriff's levy docketing, and indexing, one dollar ($1.00) for the first page, plus fifty cents (50c) for each additional page or fraction thereof. Minimum fee, one dollar ($1.00). Docketing and indexing Sheriff's levy.

Verification of papers on record.

(35) Verification of any paper on record or file, fifty cents (50c) for each page or fraction thereof. This fee does not include certificate and seal.

Alien registration.

(36) Registration, alien, one dollar ($1.00).

Liability of Clerk of Superior Court for losses sustained by reason of Act.

SEC. 10. The Clerk of the Superior Court of Forsyth County shall not be liable for losses sustained by anyone by reason of the provisions of this Act, if he has exercised reasonable care and good faith in complying with the provisions hereof.

Certain refunds directed.

SEC. 11. The Clerk of Superior Court is hereby authorized, empowered, and directed to refund to any plaintiff or plaintiffs in any proceeding or action that has been instituted in the Superior Court on or after January 1st, 1947, all costs paid for additional defendants, at the time of institution of such action, in excess of fifty dollars ($50.00). Such refunds shall be made by check of said Clerk and he shall charge same against costs in his hands due the county.

Acts of Clerk collecting fees and costs prior to Act, ratified.

SEC. 12. The acts of the Clerk of Superior Court in collecting fees and costs prior to the passage of this Act are hereby ratified.

Application of Act.

SEC. 13. This Act shall apply to Forsyth County only.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 15. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 955 CHAPTER 855

AN ACT TO AMEND SECTION 105-403 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO AUTHORIZE THE COUNTY COMMISSIONERS OF MITCHELL COUNTY TO REMIT PENALTY AND INTEREST ON TAXES FOR THE YEAR 1941, AND PRIOR YEARS.

The General Assembly of North Carolina do enact:

G. S. § 105-403, amended as to Mitchell County.

SECTION 1. That Section 105-403 of the General Statutes of North Carolina, as amended, be, and the same is hereby, further amended by adding at the end of said Section a new paragraph to read as follows:

In Mitchell County the Board of County Commissioners shall have the power and authority, in its discretion, to release, discharge, remit, or commute the penalty or interest, or any portion of either, on delinquent taxes which are due said county for the year 1941, and prior years.

Authority of Mitchell County Commissioners to remit penalties and interest on certain back taxes.

SEC. 2. That the power granted to the Board of County Commissioners of Mitchell County in Section 1 of this Act may be exercised regardless of whether any action at law or any proceeding whatsoever has been instituted to foreclose any tax sales certificates or for the collection of said delinquent taxes.

Extent of authority.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 959 **CHAPTER 856**

AN ACT TO AUTHORIZE THE REASSESSMENT OF PROPERTY FOR AD VALOREM TAX PURPOSES IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Greene County is hereby authorized and empowered to reassess all property, both real and personal, which is subject to ad valorem taxation in said county.

Reassessment of property for ad valorem taxation, Greene County.

SEC. 2. In the event such reassessment is ordered by the board of county commissioners, such reassessment shall determine tax values for the year 1948, and all succeeding years until a further reassessment is provided by law.

Application to 1948 and subsequent years.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 962 CHAPTER 857

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY, IN ITS DISCRETION, TO REVALUE AND READJUST ALL REAL ESTATE AND PERSONAL PROPERTY VALUES FOR PURPOSES OF TAXATION IN THE YEAR 1948.

The General Assembly of North Carolina do enact:

Revaluation of property for tax purposes, Harnett County.

Effective date.

SECTION 1. That the Board of County Commissioners of Harnett County, in its discretion, is hereby authorized and empowered to revalue and readjust all values on real estate and personal property within said County for purposes of taxation for the year 1948, the values when determined to be effective as of January 1st, 1948.

Revaluation procedure; laws applicable.

SEC. 2. That the personnel, methods and means by which the said revaluation and readjustment of tax values on property may be accomplished and may be made effective shall be those as are now prescribed either by public laws of the State or by Public-Local or Private laws relating to Harnett County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 965 CHAPTER 858

AN ACT RELATING TO THE VACATION OR ALTERATION OF PLATS OF LAND IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Vacation or alteration of plats of land within City of Raleigh or two miles of city limits.

Application.

SECTION 1. Any owner of a tract of land, any portion of which is located within the City of Raleigh or within two miles of the city limits of Raleigh, which land has been laid out and platted and the plat thereof recorded in the Office of the Register of Deeds of Wake County, may, upon application to the City Planning Commission of Raleigh, have such plat, or any portion thereof, or any street or alley therein contained, vacated, altered or changed as hereinafter provided.

Application accompanied by written consent of certain landowners.

SEC. 2. Whether it is desired to vacate, alter or change a portion only, or the entire plat, said application must be accompanied by the written consent of the record owners of not less than two-thirds in area of the real property covered by said plat.

Publication of notice of meeting of City Planning Commission.

SEC. 3. Notice concerning the meeting of the City Planning Commission at which proposed vacation, alteration or change is to be considered shall be published once a week for four weeks in a newspaper published in Wake County, at the expense of the applicant. Said notice shall give the name of the subdivision and a statement of the proposed changes including the names, if known, of any streets which it is proposed to vacate, alter or change.

Contents.

Action by City Planning Commission.

SEC. 4. At said meeting the City Planning Commission shall carefully consider said application and any objections thereto, and, if satisfied that neither the public nor any person will be materially injured if the relief asked for in the application is granted, it shall recommend to the governing body of the City of Raleigh that such portion or the entire plat be vacated, altered or changed as prayed for in the petition. The governing body of the City of Raleigh shall then have the power and authority to order such portion or the entire plat to be vacated, altered or changed as prayed for in the petition, which order shall be recorded in the Office of the Register of Deeds for Wake County. A plat showing said property as altered or changed shall likewise be filed in the Office of the Register of Deeds of Wake County.

Recommendation.

Power of governing body of City of Raleigh to order alteration of plat, etc.

New plat filed with Register of Deeds.

Appeal to Superior Court.

SEC. 5. Any person who believes himself aggrieved by such an order of the governing body of the City of Raleigh shall have the right to appeal to the Superior Court of Wake County within ten days of the date of said order. In the event the application for vacation, alteration or change shall be denied by the City Planning Commission or governing body of the City of Raleigh, any person making said application shall likewise be entitled to appeal to the Superior Court of Wake County within ten days of the date when said application is denied.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 969 CHAPTER 859

AN ACT TO AUTHORIZE THE MOORE COUNTY TAX COLLECTOR TO PAY DIRECT TO THE TREASURER OF THE ABERDEEN SCHOOL BOARD SPECIAL TAXES COLLECTED FROM TIME TO TIME FROM THE ABERDEEN SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Payment of certain special taxes by Moore County Tax Collector to Treasurer, Aberdeen School Board.

Disbursements by treasurer of school board.

SECTION 1. The Tax Collector of Moore County is hereby authorized, empowered and directed to pay direct to the duly elected and qualified Treasurer of the School Board of Aberdeen, Moore County, the full amount of the special taxes as the same may be collected from time to time in and from the special school tax district of Aberdeen, Moore County; and the said treasurer is authorized and empowered to pay out from time to time for school purposes, as he may be directed by the Aberdeen School Board, said special tax money received by him from the Moore County Tax Collector, as aforesaid.

Bond of Treasurer, Aberdeen School Board.

SEC. 2. The Treasurer of the Aberdeen School Board before receiving any funds from the Moore County Tax Collector shall file with the Register of Deeds for Moore County a good and sufficient bond approved by the County Commissioners of Moore County, in the sum of at least five thousand dollars ($5,000.00) for the faithful performance of his duties.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 978 CHAPTER 860

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN TO EXTEND CERTAIN MUNICIPAL SERVICES OUTSIDE THE CORPORATE LIMITS.

Preamble:

Location of industrial plants near Town of Aberdeen.

WHEREAS, certain industrial plants are considering locating and developing certain properties immediately adjacent to the corporate limits of the Town of Aberdeen; and,

WHEREAS, the location of such plants in the immediate vicinity of the Town of Aberdeen will immeasureably benefit the ecnomic life and prosperity of said town; and

Benefits to economic life and prosperity of town.

WHEREAS, the location of such plants in an area beyond the city limits will result in less depreciation to residential property values within the corporate limits and the citizens thereof will benefit thereby; and

Benefits to citizens.

WHEREAS, the Town of Aberdeen desires in every way to encourage and foster the industrial development of the area and, as an aid thereto, wishes to extend certain municipal services to such plants, if and when constructed; and

Desire of Town of Aberdeen to extend certain municipal services to plants outside limits.

WHEREAS, higher and different rates for such services will be charged than those charged the residents of said town which will thereby offset the cost therefor: *Now, therefore,*

Service rate differential.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Aberdeen are authorized, in their discretion, to extend the municipal water and sewer lines of said town outside the corporate limits for a distance not to exceed one mile.

Authority to extend water and sewer lines outside town limits, Aberdeen.

SEC. 2. The Board of Commissioners of the Town of Aberdeen are further authorized in their discretion to fix a different rate for services supplied to consumers outside the corporate limits from the rate charged consumers for the same service within the corporate limits.

Authority of Town to charge higher service rate to outside consumers.

SEC. 3. For the purpose of extending said lines, the Board of Commissioners of the Town of Aberdeen are authorized for said purpose to issue bonds in pursuance to the Municipal Finance Act and subject to and in accordance with the Local Government Acts.

Bonds authorized.

SEC. 4. The Board of Commissioners of the Town of Aberdeen is hereby authorized, in its discretion, to increase, extend or otherwise improve the pumping station facilities of said town, in such manner and insofar as, to the Board, the same may be deemed necessary for carrying out the purposes of this Act.

Authority to increase or otherwise improve pumping station facilities.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 984 CHAPTER 861

AN ACT TO AMEND HOUSE BILL 125, RATIFIED ON FEBRUARY 21, 1947, RELATING TO CERTAIN REPORTS AND AUDITS OF FUNDS IN THE PUBLIC SCHOOLS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Annual reports as to lunchroom, dramatic, or athletic activities, public schools, Forsyth County.

SECTION 1. It shall be the duty of the manager of any school cafeteria, cafe, or lunchroom and the manager, treasurer, or sponsor of any dramatic club, lyceum, or athletic committee sponsoring such lunchroom or dramatic or athletic activities to file annual reports with the Chairman of the County Board of Education if the school in which such function or activity is operated is within a county school administrative unit, or with the Chairman of the Board of Trustees of the city administrative unit if the school be located within the boundaries of such unit, and a copy of such report shall be filed with the principal of the school in which such activity is operated who shall post the same upon the bulletin board in such school. The reports herein required shall, among other things, contain an accounting of all funds received and/or expended in connection with any one or all of the activities herein covered.

Copy of report posted.

Contents of report.

Application of Act.

SEC. 2. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 990 CHAPTER 862

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF LOUISBURG UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Election on question of operation of liquor control store, Louisburg, authorized.

SECTION 1. The Board of Commissioners of the Town of Louisburg may on its own motion, and shall upon a petition to said Board signed by at least fifteen percent (15%) of the registered and qualified voters of the municipality, order an election to

be held on the question of whether or not a town liquor control store may be operated in the Town of Louisburg and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provision of this Act. Effect of election results.

SEC. 2. In calling for such special liquor election, the said Board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same peroid of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store," "Against Town Liquor Control Store." Those favoring setting up and operating liquor store in the Town of Louisburg shall mark in the voting square to the left of the words "For Town Liquor Control Store" printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "Against Town Liquor Control Store." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly. Notice of election. Registration. Ballots. Conduct of election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Louisburg in force and effect prior to the authorization to operate town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under Effect of majority vote in later election against operation of store.

the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store." No election shall be called and held in the Town of Louisburg under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Louisburg to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Louisburg general election or primary election, or within thirty (30) days of any such election.

Limitation of time between elections.

Duty of Board of Commissioners as to ordering election.

Restriction as to date of election.

Provision for creation of town board of alcoholic control.

SEC. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Louisburg shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Louisburg Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the Town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occuring in the board shall be named or filled by the mayor and the governing body of the Town.

Official name.

Appointment of chairman and other members; terms.

Vacancies filled.

Powers and duties of Louisburg Board of Alcoholic Control.

SEC. 5. The said Town of Louisburg Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcohlic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Louisburg Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Louisburg Board of Alcoholic Control.

SEC. 6. The net profits derived from the operation of liquor control store in the Town of Louisburg shall be turned over to the Town General Fund and subject to appropriation by the governing body of the Town, which may appropriate any or all of said funds for any town governmental purpose. Use of net profits from liquor store.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 998 **CHAPTER 863**

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Register of Deeds of Pasquotank County shall receive the following fees for the following services: Schedule of certain fees of Register of Deeds, Pasquotank County.

For cancelling any chattel mortgage, real estate mortgage, conditional sales agreement, or other recorded lien—twenty-five cents (25c).

For certifying copies of any record, fees to be the same as for recording like instruments, plus fifty cents (50c) for each certification.

For recording statutory forms and chattel mortgages—fifty cents (50c).

For recording any deed, deed of trust, contract of sale, chattel mortgage, except such chattel mortgages as are offered for recording in statutory form, and any other instrument to be offered recordation upon the real estate and personal property records, a minimum of one dollar ($1.00) for each page, or part thereof, covered by any such instrument on the record books of the register of deeds office.

SEC. 2. The register of deeds is hereby authorized to collect double the amount of any fee specified in Section 1 of this Act in which the size or nature of an instrument offered for recordation is such as to necessitate enlargement of such instru- Authority to charge extra amounts under specified circumstances.

ment by photostatic or other technical means, in the interests of legibility or conformity to the records of the office of the register of deeds.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1004 CHAPTER 864

AN ACT TO AMEND CHAPTER 485 OF THE PUBLIC-LOCAL LAWS OF 1935 RELATING TO THE REGULATION OF THE FEES OF THE VARIOUS JUSTICES OF THE PEACE OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 485, Public-Local Laws, 1935, amended, as to fees of Justices of Peace, Wayne County.

SECTION 1. That Chapter 485 of the Public-Local Laws of 1935 be, and the same is hereby amended by striking out the paragraph entitled "Criminal Proceedings" and "Civil Proceedings" in Section 1 and inserting in lieu thereof the following:

Criminal Proceedings:

Fees in criminal proceedings.

For affidavit for warrant in criminal action, twenty-five cents (25c);

Warrant of arrest in criminal action, one dollar ($1.00);

Trial and/or judgment, one dollar and fifty cents ($1.50);

Recognizing witnesses, each fifteen cents (15c);

Commitment, fifty cents (50c);

Bond, fifty cents (50c);

Capias and order, one dollar ($1.00);

Issuing sci. fa. against defendant, and bail, one dollar and fifty cents ($1.50);

Issuing subpoena, each twenty-five cents (25c);

Jury trial and verdict, one dollar and fifty cents ($1.50);

Writing or posting judgment, twenty-five cents (25c);

Entering judgment or docket, twenty-five cents (25c);

Civil Proceedings: Fees in civil proceedings.

Issuing summons, one defendant, fifty cents (50c);

Issuing summons, each additional defendant, twenty-five cents (25c);

Trial and/or judgment, one dollar and fifty cents ($1.50);

Transcript of judgment, twenty-five cents (25c);

Issuing subpoena, twenty-five cents (25c);

Issuing additional subpoena, each fifteen cents (15c);

Taking affidavits, twenty-five cents (25c);

Jury trial and verdict, two dollars ($2.00);

Issuing execution, fifty cents (50c);

Return to notice of appeal, fifty cents (50c);

Claim and delivery papers, including summons, affidavit, bond, order to seize property, and trial, two dollars and fifty cents ($2.50);

Issuing attachment, including application, affidavit, and order to seize property, two dollars and fifty cents ($2.50);

Recognizing witnesses, each fifteen cents (15c);

Probate and acknowledgment of deed, twenty-five cents (25c);

Chattel mortgage, or other paperwriting, twenty-five cents (25c);

Taking bond, fifty cents (50c);

Allotting widow's year's allowance, one dollar ($1.00);

Taking depositions, each legal size copy, twenty cents (20c);

Filing and docketing liens, seventy-five cents (75c);

Affidavit for removal, twenty-five cents (25c);

Order for removal, twenty-five cents (25c);

Affidavit, twenty-five cents (25c);

Summons, fifty cents (50c);

Trial judgment, one dollar and fifty cents ($1.50);

Execution, fifty cents (50c);

Summons in dispute between landlord and tenant for itemized statement of accounting before crops are sold, three dollars ($3.00);

Ejectment proceedings, complete including execution, two dollars and twenty-five cents ($2.25);

Writing or posting judgment, twenty-five cents (25c);

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three titmes and ratified, this the 4th day of April, 1947.

H. B. 1010 CHAPTER 865

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Ch. 366, Public-Local Laws, 1939, amended, as to Boxing and Wrestling Commission, Charlotte.

SECTION 1. That Chapter 366 of the Public-Local Laws of North Carolina for 1939 as heretofore amended be, and the same is further amended as follows:

In Section 58, entitled "BOXING AND WRESTLING COMMISSION", add a new Subsection numbered (3) and reading as follows:

Use of proceeds from Commission's operations.

(3) The Commission shall, within seven (7) days of the 10th day of December in each calendar year, pay over equally to charities sponsored by the Charlotte Observer and the Charlotte News not less than 80% of the gross income of the Commission from its preceding year's operations.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1018 **CHAPTER 866**

AN ACT TO AID IN THE DEVELOPMENT OF THE TOWN OF CAROLINA BEACH; TO PROVIDE FOR A REFERENDUM TO DETERMINE WHETHER OR NOT A TAX SHALL BE LEVIED TO PROVIDE FUNDS FOR ADVERTISING SAID TOWN.

The General Assembly of North Carolina do enact:

Provision for annual tax levy for advertising and development purposes, Town of Carolina Beach.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Carolina Beach may, subject to the limitations hereinafter set forth, annually levy an additional sum not in excess of thirteen cents (13c) on each one hundred dollars ($100.00) valuation of all real and personal property taxable in said town, which said funds shall be used and expended under the direction and control of the mayor and board of aldermen under such rules and regulations as said governing body shall prescribe, for the purpose of aiding in the development of said town by means of advertising and for such other purposes as will in the discretion of the mayor and board of aldermen of said town increase the population, taxable property, and industrial and business development of said town.

Tax levy and appropriations subject to referendum.

SEC. 2. That the Town of Carolina Beach shall not raise or appropriate money under this Act unless and until this Act shall have been approved by a majority of the qualified voters of the Town of Carolina Beach, at an election as provided in this Act.

Call of special election.

SEC. 3. The Mayor and Board of Aldermen of the Town of Carolina Beach may at any time by ordinance call a special election for the purpose of submitting the question of the approval of this Act to the voters thereof. In said ordinance said mayor and board of aldermen shall specify the time of holding the election, and determine and set forth whether or not there shall be a new registration of voters for such election. Notice of the registration of the voters and of the election shall be given. The voters shall be registered, the election shall be held, the returns shall be canvassed, and the results shall be determined, declared and published under and pursuant to the provisions of Section 160-387 of the General Statutes, and the Act known as the Municipal Finance Act, and as therein provided for an election upon a bond ordinance providing for the issuance of bonds for purposes other than the payment of necessary expenses of a municipality. A ballot or ballots shall be furnished to each qualified voter at said election. The ballots for those who vote in favor of this Act shall contain the words: "For the Act to Aid in the Development of the Town of Carolina Beach, by means of advertising, and for such other

Conduct of election.

Ballots.

purposes as will in the considered opinion of the mayor and board of aldermen of said town increase the population, taxable property and industrial and business prospects of said town"; and the ballots for those who vote against this Act shall contain the words: "Against the Act to Aid in the development of the Town of Carolina Beach, by means of advertising, and for such other purposes as will in the considered opinion of the mayor and board of aldermen of said town increase the population, taxable property and industrial and business prospects of said town," except as otherwise provided in said Section 160-387 of the General Statutes, and the Act known as the Municipal Finance Act, the registration and election shall be conducted in accordance with Article 3, Chapter 160 of the General Statutes.

Application of G. S., Ch. 160, Art. 3.

Limitation of actions for contesting election.

SEC. 4. No right of action or defense founded upon the invalidity of the election be questioned in any court upon any ground whatever, except in an action or proceeding commenced within sixty days from the publication of the statement showing the result of the election.

Taxation and appropriations authorized upon favorable vote in election.

SEC. 5. If and when this Act shall have been approved by the qualified voters of the Town of Carolina Beach, then and thereafter the governing body of said town may, annually, for a period not exceeding four years following the ratification of this Act, raise by taxation and appropriate money for the purposes specified in this Act.

Partial invalidity provision.

SEC. 6. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1019 CHAPTER 867

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF WINDSOR, N. C., TO SELL AND CONVEY BY PRIVATE SALE A LOT TO THE WOMAN'S CLUB OF WINDSOR, N. C., FOR A COMMUNITY BUILDING.

The General Assembly of North Carolina do enact:

Town of Windsor authorized to sell lot to Woman's Club at private sale.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Windsor, Bertie County, North Carolina, are hereby authorized to sell at private sale to the Woman's Club of Windsor, N. C., a lot for the purpose of erecting thereon a community building.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1020 CHAPTER 868

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF BLADENBORO TO SELL AT PRIVATE SALE CERTAIN LAND.

The General Assembly of North Carolina do enact:

Governing body, Town of Bladenboro, authorized to sell certain land at private sale.

SECTION 1. The governing body of the Town of Bladenboro is hereby authorized and empowered to sell at private sale, for such compensation as it may deem just and proper, the following described land, and to apply the proceeds from such sale as it may think best:

Description of land.

In the Town of Bladenboro, including all of the certain lot measuring 15 feet by 50 feet described in deed by H. C. Bridger to R. L. Bridger, Jr., et als, as Aldermen of the Town of Bladenboro, dated April 13th, 1920, and recorded in Book 74, at page 14, Bladen County Registry; and being the site of the old Bladenboro Jail since abandoned. Beginning at the northeast corner of the lot above referred to, same being also Clarence Taylor's corner in Sam G. Taylor's line, and runs thence as a line of Sam G. Taylor and then of Dunn and Hester about North 48¼ degrees West 20.5 feet to Roy Wilbur Hester's corner; thence as said Hester's line South 40¾ degrees West 35 feet

to his corner; thence as his line South 49¼ degrees East 7.2 feet to his corner; thence as his line South 36¾ degrees West 18.4 feet to his corner; thence as his line South 53¼ degrees East 15 feet to his corner in Clarence Taylor's line; thence as that line North 36¾ degrees East 50 feet to the beginning corner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1027 **CHAPTER 869**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY TO PAY THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY AN AMOUNT NOT TO EXCEED FIFTY DOLLARS ($50.00) PER MONTH FOR CLERK HIRE.

The General Assembly of North Carolina do enact:

Allowance to Clerk of Superior Court, Currituck County, for salary of office clerk.

SECTION 1. The Board of Commissioners of Currituck County shall allow the Clerk of the Superior Court of said county an amount of fifty dollars ($50.00) per month with which to pay the salary of a clerk in said office.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1052 CHAPTER 870

AN ACT TO AMEND HOUSE BILL NO. 251, ENTITLED "AN ACT TO AMEND CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE, SO AS TO PROVIDE FOR THE EXTENSION OF THE BOUNDARIES OF SAID CITY."

The General Assembly of North Carolina do enact:

Ch. 227, Session Laws, 1947, extending city limits, Charlotte, repealed.

SECTION 1. That Section 8 of House Bill No. 251, entitled "An Act to amend Chapter 366, Public-Local Laws of 1939, the same being the charter of the City of Charlotte, so as to provide for the extension of the boundaries of said city," which was ratified on the fifth day of March, 1947, is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1054 CHAPTER 871

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DURHAM COUNTY TO APPOINT ADDITIONAL DEPUTIES REGISTER OF DEEDS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Authority for appointment of additional deputies, Register of Deeds, Durham County.

SECTION 1. The Board of County Commissioners of Durham County is hereby authorized and empowered to authorize and empower the Register of Deeds of Durham County to appoint such additional deputy or deputies or clerical assistants as, in the descretion of the said board may be necessary in the said office.

Compensation.

SEC. 2. The Board of County Commissioners of Durham County is further authorized and empowered to prescribe the compensation of such deputy or deputies or clerical assistants as may be appointed by the Register of Deeds, and to pay the same out of the General Fund of Durham County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1056 **CHAPTER 872**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO EXPEND CERTAIN SURPLUS FUNDS FOR THE PREVENTION OF EROSION ON THE BEACHES IN SAID COUNTY.

Preamble:

Damages to beaches, New Hanover County, from erosion.

WHEREAS, certain beaches adjacent to the Atlantic Ocean in New Hanover County are consistently deteriorating and have been seriously damaged by erosion; and

Necessity for action to alleviate condition.

WHEREAS, unless certain action is taken at at an early date to alleviate this condition by taking preventive erosion action, irreparable damage will be done to said beaches; and

Need for equipment and labor.

WHEREAS, in order to accomplish this purpose it is deemed necessary that certain equipment be purchased or rented and that suitable persons be employed to operate such equipment and to perform the necessary labor, in addition to convict labor which may be furnished by the State or county, to accomplish this purpose: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriations by New Hanover County authorized for procuring equipment and labor for correcting erosion damages to beaches.

SECTION 1. The Board of County Commissioners of New Hanover County are hereby authorized to appropriate out of any unexpended surplus funds which may now be on hand, or may be hereafter acquired, for the fiscal year 1946-1947 a sum not to exceed ten thousand dollars ($10,000.00), to be used for the purpose of purchasing or renting such equipment as they may deem necessary to alleviate the problem set out in the preamble to this Act, and for the purpose of employing suitable personnel and labor to carry out such operations.

Additional appropriations.

SEC. 2. The Board of County Commissioners of New Hanover County are hereby authorized to appropriate annually hereafter a sum not to exceed ten thousand dollars ($10,000.00) for the purposes aforesaid, such funds to be taken from receipts

paid into New Hanover County by the Alcoholic Beverage Control Board and earmarked for the specific purposes set out in this Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1032 CHAPTER 873

AN ACT TO AMEND CHAPTER 697 OF THE SESSION LAWS OF 1945 RELATING TO POWERS OF THE DEPUTY CLERKS OF THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Subsection 2 of Section 1 of Chapter 697 of the Session Laws of 1945 be, and the same is hereby, amended by striking out the semicolon following the word "trustees" in line two of said Section, inserting a comma therefor, and adding the following: Ch. 697, Session Laws, 1945, amended, as to powers, deputy clerks, Superior Court, Durham County.

executors, and administrators c.t.a., ancillary administrators, and administrators c.t.a. d.b.n.;

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1061 CHAPTER 874

AN ACT TO AMEND CHAPTER 539 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE DISTRIBUTION OF PROFITS FROM ABC STORES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 4 of Chapter 539 of the Public-Local Laws of 1939 be, and the same is hereby, amended to read as follows: Ch. 539, Public-Local Laws, 1939, amended.

Use of proceeds from sales by A. B. C. stores, Carteret County.

SEC. 4. That five per cent (5%) of the gross sales of each individual store, after the payment of State tax of said Alcoholic Beverage Control Stores, shall be paid into the general fund of the particular town in which said store is located. That one-half (½) of the amount so paid to Morehead City shall be placed in the general fund of said city and the other half thereof shall be used for the operation, maintenance, upkeep, and necessary repairs to the Morehead City Hospital. On and after the first of May, 1949, the full five per cent (5%) of such gross sales payable to Morehead City shall be paid direct to the Morehead City Hospital for the use herein set out.

Use of A. B. C. funds paid to Morehead City for benefit of Morehead City Hospital.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after the first of May, 1947.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1062 CHAPTER 875

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF STANLY TO APPROPRIATE NOT EXCEEDING $25,000.00 FROM THE SURPLUS OF THE GENERAL FUND TO BE PAID TO STANLY COUNTY HOSPITAL, INCORPORATED, FOR PROVIDING FACILITIES FOR CARE OF INDIGENT SICK AND AFFLICTED POOR.

The General Assembly of North Carolina do enact:

Appropriations for care of indigent sick, Stanly County.

SECTION 1. That for the necessary expense of providing facilities for the care of the indigent sick and afflicted poor of the county of Stanly the board of commissioners of said county is hereby authorized to appropriate annually in each of the fiscal years beginning July 1, 1947, July 1, 1948, July 1, 1949 and July 1, 1950, from surplus revenue and unencumbered balances which may be available in the current operating expense (general) fund of said county at the end of the fiscal year next preceding each of such fiscal years an amount which it may, in its discretion, deem expedient and to cause and direct such amount to be paid to Stanly County Hospital, Incorporated; *Provided, however*, the aggregate of the amounts so appropriated and paid shall not exceed the sum of twenty-five thousand dollars ($25,000.00).

Limitation of amount of appropriation.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of the Act are hereby repealed to the extent of such conflict. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1078 CHAPTER 876

AN ACT TO PROMOTE PUBLIC HEALTH BY THE REGULATION OF BURIALS IN WILSON TOWNSHIP, WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to bury a deceased person anywhere in Wilson Township, Wilson County, North Carolina, except in Maplewood Cemetery, Wilson, North Carolina, or Rest Haven Cemetery, Wilson, North Carolina, unless that person, firm, or corporation conducting such burial shall have first obtained a permit from the Health Officer of Wilson County. Regulation of burials in Wilson County. Permits required, certain burials.

SEC. 2. The Health Officer of Wilson County shall not withhold such permit if it be shown to his satisfaction that such burial will be conducted in a proper manner and in a place not injurious to the health of the community. Permits not to be withheld under certain circumstances.

SEC. 3. Any person, firm, or corporation who shall conduct any burial contrary to the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Punishment for violations of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1079 **CHAPTER 877**

AN ACT TO REGULATE FEES OF THE CLERK OF SUPERIOR COURT FOR WILSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 241, Public Laws, 1935, amended, as to fees of C. S. C., Wilson County.

SECTION 1. Chapter 241 of the Public Laws of North Carolina, Session 1935, is hereby amended by inserting after the word "any" and before the word "account" in line four of Section 1, the word "annual".

SEC. 2. That said Section is further amended by adding thereto the following:

Fees of C. S. C. for auditing certain accounts.

Provided, that in Wilson County the fees of the Clerk of Superior Court for auditing final setlement of a receiver, executor, administrator, guardian, commissioner appointed to sell real estate, or other trustee, required to render accounts, one half of one per cent of the amount on which commissions are allowed to such fiduciary, for all sums not exceeding one thousand dollars ($1,000.00); and for all sums over one thousand dollars ($1,000.00), one tenth of one per cent on such excess; but such fees shall not exceed seventy-five dollars ($75.00), unless there be a contest, when the clerk may charge commissions not to exceed one hundred dollars ($100.00).

SEC. 3. That said Section is further amended by adding thereto the following:

Schedule of fees for various services.

Fees of the Clerk of Superior Court shall be as follows:

Affidavit, including jurat and certificate, thirty-five cents (35c).

Appeal from all courts, seventy-five cents (75c).

Appeal to the Supreme Court, including certificate and seal, three dollars ($3.00).

Attachment, order in, fifty cents (50c).

Bill of costs, preparing the same, thirty-five cents (35c).

Bond or undertaking, including justification, one dollar ($1.00).

Caveat to a will, entering and docketing same for trial, two dollars ($2.00).

Docketing indictment, fifty cents (50c).

Docketing liens, fifty cents (50c).

Docketing transcript of judgments, all services, fifty cents (50c).

Docketing Superior and General County Court, judgments, fifty cents (50c).

Execution and return thereon, including docketing, one dollar ($1.00); and certifying return to clerk of any county where judgment is docketed, fifty cents (50c).

Filing all papers, twenty-five cents (25c) for each case.

Impaneling jury, twenty-five cents (25c).

Indexing judgment on cross-index book, ten cents (10c) for each of the parties.

Indexing liens on lien book, ten cents (10c) for each of the parties.

Injunction, order for, including taking bond or undertaking justification, one dollar and fifty cents ($1.50).

Judgment, final, before the clerk, one dollar ($1.00).

Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents (50c).

Order enlarging time for pleading, and all interlocutory orders, in special proceedings and civil action, thirty-five cents (35c).

Recording and copying papers, eighty cents (80c) for the first three hundred words, and fifteen cents (15c) for each additional hundred words.

Recording certificates of incorporation of corporations, if not more than five pages, three dollars ($3.00); and eighty cents (80c) a page for each additional page.

Recording certificates of dissolution of corporations, one dollar ($1.00).

Subpoena, each name, twenty-five cents (25c).

Commissions allowed Clerk for handling fines, penalties, etc.

Five per cent (5%) commissions shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office; and three per cent (3%) on all sums of money not exceeding one thousand dollars ($1,000.00) placed in his hands by virtue of his office, except on judgments, decrees, executions and deposits under Article 3 of Chapter 54; and upon the excess over one thousand dollars ($1,000.00) of such sums, one per cent (1%).

Other fees as provided by existing law.

SEC. 4. That all other fees received by the Clerk of Superior Court of Wilson County, other than those provided for herein, shall be as now provided by law.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read thre times and ratified, this the 4th day of April, 1947.

H. B. 1098 CHAPTER 878

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF JONES COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Clerk of Superior Court, Jones County, for clerical assistance.

SECTION 1. In addition to the salary now provided by law for the Clerk of the Superior Court of Jones County, said Clerk shall be paid six hundred dollars ($600.00) per year out of the general fund of the county, to be paid in equal monthly instalments, for use in providing necessary clerical assistance in his office.

Effective date.

SEC. 2. The provisions of Section 1 of this Act with respect to additional compensation shall be effective April 1st, 1947.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 166 CHAPTER 879

AN ACT TO AMEND ARTICLE 17 OF CHAPTER 28 OF THE GENERAL STATUTES RELATING TO DISTRIBUTION TO CLARIFY THE RIGHTS OF ADOPTED CHILDREN AND LEGITIMATED CHILDREN.

The General Assembly of North Carolina do enact:

G. S., Ch. 28, Art. 17, amended.

SECTION 1. Article 17 of Chapter 28 of the General Statutes is hereby amended by adding three new Subsections to G. S. 28-149 which new Subsections shall read as follows:

10. An adopted child shall be entitled by succession, inheritance, or distribution of personal property, including, without limiting the generality of the foregoing, and recovery of damages for the wrongful death of such adopted parent by, through, and from its adoptive parents the same as if it were the natural, legitimate child of the adoptive parents. Inheritance and other rights of adopted child.

11. The adoptive parents shall be entitled by succession, inheritance, or distribution of personal property including, without limiting the generality of the foregoing, any recovery of damages for the wrongful death of such adopted child by, through, and from an adopted child the same as if the adopted child were the natural, legitimate child of the adoptive parents. Inheritance and other rights of adoptive parents.

12. When any child born out of wedlock shall have been legitimated in accordance with the provisions of G. S. 49-10 or G. S. 49-12 such child shall be entitled to all the rights of succession, inheritance, or distribution of personal property of its father and mother as it would have had had it been born their issue in lawful wedlock. Inheritance and other rights of legitimated child.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 392 CHAPTER 880

AN ACT TO AMEND SECTION 45-37 OF THE GENERAL STATUTES RELATING TO THE DISCHARGE AND RELEASE OF MORTGAGES AND DEEDS OF TRUST.

The General Assembly of North Carolina do enact:

SECTION 1. Section 45-37 of the General Statutes, as amended by Chapter 988 of the Session Laws of 1945, is hereby further amended by striking out the period at the end of Subsection (5) thereof, as amended, and inserting a colon in lieu thereof, and adding the following: G. S. § 45-37, relating to discharge and release of mortgages, etc., amended.

Provided, also, that this Subsection shall be applicable from and after July 1st, 1947, to all instruments executed subsequent to March 6th, 1923, and prior to January 2nd, 1924, and any person affected by this proviso shall have until July 1st, 1947, to file the affidavit with the register of deeds referred to herein or make the entry on the margin of the record as herein provided for. Application of subsection (5) of G. S. § 45-37. Extension of time for filing affidavit and making marginal entry.

Pending litigation not affected.

SEC. 1½. Providing this Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 822 CHAPTER 881

AN ACT TO AMEND SECTION 96-14, SUBSECTION (a) OF CHAPTER 96 OF THE GENERAL STATUTES, RELATING TO DISQUALIFICATION FOR BENEFITS UNDER THE UNEMPLOYMENT COMPENSATION LAW.

The General Assembly of North Carolina do enact:

G. S. § 96-14, unemployment compensation law, amended.

SECTION 1. That Subsection (a) of Section 96-14, Chapter 96 of the General Statutes of North Carolina, be and the same is hereby amended by striking out the period at the end thereof and inserting the following:

Restrictions as to charges against employer's reserve account, when unemployment is voluntary, without cause attributable to employer.

; *provided* that an employer's reserve account shall not be charged with any benefits paid an individual during any benefit year established on and after July 1st, 1947, based on wages paid during the base period applicable at the time of such separation; *provided, further,* that such employer promptly notifies the commission by registered mail of any such separation which occurs after June 30th, 1947. Any benefits paid an individual based on wages paid during such base period shall be charged to the partially pooled account.

Restriction as to charges against employer's reserve account, when unemployment due to discharge for misconduct.

SEC. 2. That Subsection (b) of Section 96-14, Chapter 96 of the General Statutes of North Carolina, be and the same is hereby amended by striking out the period at the end thereof and inserting the following:

; *provided* than an employer's reserve account shall not be charged with any benefits paid an individual during any benefit year established on and after July 1st, 1947, based on wages paid during the base period applicable at the time of such discharge; *provided, further,* that such employer promptly notifies the commission by registered mail of any such discharge which occurs after June 30th, 1947. Any benefits paid an individual based on wages paid during such base period shall be charged to the partially pooled account.

SEC. 3. Amend Subsection (c), paragraph (2), Section 96-9, Chapter 96, General Statutes of North Carolina, as amended, and particularly as amended by the Session Laws of 1947, by striking out the period at the end of the second sentence and inserting the following:

G. S. § 96-9, amended, as to charges to employer's reserve account; exceptions.

except as provided in Section 96-14, Subsection (a) and (b) of this Chapter.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 893 CHAPTER 882

AN ACT AUTHORIZING THE TOWN OF GRIFTON, NORTH CAROLINA TO PROVIDE BY ORDINANCE MINIMUM BUILDING REQUIRMENTS FOR ALL NEW DWELLINGS OR STRUCTURES INTENDED TO BE USED FOR HUMAN HABITATION.

The General Assembly of North Carolina do enact:

SECTION 1. The Town of Grifton, North Carolina, is hereby authorized to provide by ordinance minimum building requirements for all new dwellings or structures in the Town of Grifton that are intended to be used for human habitation, erected after the effective date of any ordinance or ordinances adopted pursuant to this statute.

Town of Grifton authorized to establish minimum building requirements for new dwellings.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1081 **CHAPTER 883**

AN ACT TO REGULATE THE SALARIES OF THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Salary of Mayor, City of Wilmington.

SECTION 1. The Mayor of the City of Wilmington, North Carolina, shall receive and be paid a salary of twelve hundred dollars ($1,200.00) a year, the same to be paid in equally monthly installments; and the mayor shall receive no other compensation from the city.

Compensation of members of City Council.

SEC. 2. The members of the city council shall each receive and be paid the sum of six hundred dollars ($600.00) a year, the same to be paid to the respective members of the council in equal monthly installments, and for their services as members of the said council they shall receive no other compensation from the city. The member of the city council elected to the office of mayor shall receive as total compensation from the city the salary set forth in Section 1 hereof.

Election of city treasurer.

Salary of city treasurer.

SEC. 3. The mayor and council may elect from their membership a city treasurer, and in addition to the salary allowed as a member of the council as set forth in Section 2 hereof, such city treasurer may be paid for services as city treasurer an amount not exceeding the sum of six hundred dollars ($600.00) a year, such payments to be made in equal monthly installments.

Effective date of salaries.

SEC. 4. All salaries herein authorized are to become effective on June 1st, 1947.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws, including the charter provisions of the City of Wilmington and the portions of Section 2895 and 2895 (a) of Consolidated Statutes (Michie's Code), in conflict herewith, to the extent of such conflict, are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification, but payments hereunder shall begin at the time herein specified.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 1082 **CHAPTER 884**

AN ACT PROVIDING FOR THE ELECTION OF THE TRUSTEES OF THE CANTON GRADED SCHOOL DISTRICT.

Preamble:

WHEREAS, Chapter 174 of the Private Laws of 1937 provided for an election of the Trustees of the Canton Graded School District at a biennial election, the terms of said trustees to be staggered so that two would be elected at one election and three at the following election; and

Provision in 1937 law for election and terms of trustees, Canton Graded School District.

WHEREAS, Chapter 633 of the Laws of 1943 extended the terms of the two trustees whose terms expired that year and thereby caused the terms of office of all of said trustees to expire at the same time; and

Effect of change in law as to staggered terms.

WHEREAS, all of said trustees were elected in 1945 for a four-year term; and

Terms of trustees elected in 1945.

WHEREAS, it is for the best interest of the said school district to let the terms of the trustees be staggered as provided in Chapter 174 of the Private Laws of 1937: *Now, therefore,*

Best interest of district requires staggered terms.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of office of W. W. Mitchell and A. P. Cline, trustees, expire on May 6th, 1947, or as soon thereafter as their successors may be elected and qualified.

Expiration of terms of W. W. Mitchell and A. P. Cline, trustees.

SEC. 2. That the election of C. A. Rhodarmer, George M. Trostle, and Gobel McCracken be confirmed and they are hereby appointed to serve as trustees of said school district until Tuesday after the first Monday in May, 1949, and until their successors are duly elected and qualified.

Terms of C. A. Rhodarmer, George M. Trostle, and Gobel McCracken, trustees.

SEC. 3. That the board of elections of said school district shall call and conduct an election to be held on the sixth day of May, 1947, for two trustees, who shall be elected for four years, and an election shall be held biennially thereafter for the election of trustees for a four-year period, to the end that two and three trustees will be elected at each election respectively.

Future election of trustees.

Terms staggered.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. B. 65 CHAPTER 885

AN ACT TO REWRITE CHAPTER 48 OF THE GENERAL STATUTES RELATING TO ADOPTIONS.

G. S., Ch. 48, Adoption Law, rewritten.

SECTION 1. Chapter 48 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Legislative intent; construction of Chapter.

48-1. Legislative intent; construction of Chapter. The General Assembly hereby declares as a matter of legislative policy with respect to adoption that

Primary purpose.

(1) The primary purpose of this Chapter is to protect children from unnecessary separation from parents who might give them good homes and loving care, to protect them from adoption by persons unfit to have the responsibility of their care and rearing, and to protect them from interference, long after they have become properly adjusted in their adoptive homes, by natural parents who may have some legal claim because of a defect in the adoption procedure.

Secondary purpose.

(2) The secondary purpose of this Chapter is to protect the natural parents from hurried decisions, made under strain and anxiety, to give up a child, and to protect foster parents from assuming responsibility for a child about whose heredity or mental or physical condition they know nothing, and to prevent later disturbance of their relationship to the child by natural parents whose legal rights have not been fully protected.

Liberal construction of Act in interest of child.

(3) When the interest of a child and those of an adult are in conflict, such conflict should be resolved in favor of the child; and to that end this Chapter should be liberally construed.

Definitions.

48-2. Definitions. In this Chapter, unless the context or subject matter otherwise requires

"Adult person."

(1) "Adult person" means any person who has attained the age of twenty-one years.

"Licensed child-placing agency."

(2) "Licensed child-placing agency" means any agency operating under a license to place children for adoption issued by the State Board of Public Welfare, or, in the event that such agency is in another state or territory or in the District of Columbia, operating under a license to place children for adoption issued by the State Welfare Agency or other duly authorized agency of such state, territory, or the District of Columbia.

Persons eligible for adoption.

48-3. Who may be adopted. Any minor child may be adopted in accordance with the provisions of this Act.

Persons eligible to adopt children.

48-4. Who may adopt children. (a) any person over twenty-one years of age may petition in a special proceeding in the Superior Court to adopt a minor child and for a change of the name of such child. If the petitioner has a husband or wife living, competent to join in the petition, such spouse shall join in the petition.

Spouse of petitioner required to join in petition.

Exception.

(b) *Provided, however,* that if the spouse of the petitioner is a natural parent of the child to be adopted, such spouse need not join in the petition but need only to give consent as provided in G. S. 48-7, (d).

Requirements as to residence of petitioner.

(c) *Provided further,* that the petitioner or petitioners shall have resided in North Carolina for one year next preceding the filing of the petition.

Parents, etc., not necessary parties upon finding of child's abandonment.

48-5. Parents, etc., not necessary parties to adoption proceedings upon finding of abandonment. (a) In all cases where a court of competent jurisdiction has declared a child to be an abandoned child, the parent, parents, or guardian of the person shall not be necessary parties to any proceeding under this Chapter, nor shall their consent be required.

Determination of question of abandonment of child; notice to parents, etc.

(b) In the event that a court of competent jurisdiction has not theretofore declared the child to be an abandoned child, then on written notice of not less than five days to the parent, parents, or guardian of the person, the court in the adoption proceeding is hereby authorized to determine that an abandonment has taken place.

Procedure in case abandonment denied.

(c) If the parent, parents, or guardian of the person deny that an abandonment has taken place, this issue of fact shall be determined as provided in G. S. 1-273, and if abandonment be determined, then the consent of the parent, parents, or guardian of the person shall not be required. Upon final determination of this issue of fact the proceeding shall be transferred back to the special proceedings docket for further action by the clerk.

Copy of court order declaring child abandoned, filed with petition.

(d) A copy of the order of the court declaring a child abandoned must be filed in the proceeding with the petition in which case the consent required under G. S. 48-7 must be given in accordance with G. S. 48-9, Subsection (2).

When consent of father not necessary.

48-6. When consent of father not necessary. In the case of a child born out of wedlock and when said child has not been legitimated as provided by law, the written consent of the mother alone shall be sufficient under the Chapter and the putative father need not be made a party to the proceeding.

When consent of parents necessary.

48-7. When consent of parents is necessary.

(a) Except as provided in G. S. 48-5, and G. S. 48-6, and if they are living and have not released all rights to the child or consented to an adoption as provided in G. S. 48-9, the parents or surviving parent or guardian of the person of the child must be a party or parties of record to the proceeding and must give written consent to the adoption, which must be filed with the petition.

Necessary parties.

Written consent filed with petition.

Cases in which personal service of process required.

(b) In any case where the parents or surviving parent or guardian of the person of the child whose adoption is sought are necessary parties and their address is known, or can by due and diligent search be ascertained, that fact must be made known to the court by proper allegation in the petition or by affidavit and service of process must be made upon such person as provided by law for service of process on residents of the State or by service of process on non-residents as provided in G. S. 1-104.

Service of process by publication.

(c) If the address of such person cannot be ascertained for the purpose of service of process or service of process cannot be made as hereinbefore provided, that fact must be made known to the court by proper allegation in the petition or by affidavit to the effect that after due and diligent search such person cannot be found for the purpose of service of process. Service of process upon such person may then be made by publication of summons as provided by G. S. 1-98 et seq., and as provided by law.

Spouse of step-parent-petitioner, required to consent.

(d) When a step-parent petitions to adopt a step-child, consent to the adoption must be given by the spouse of the petitioner.

Capacity of minor-parent to consent to adoption.

48-8. Capacity of parents to consent. A parent who has not reached the age of twenty-one years shall have legal capacity to give consent to an adoption and to release such parent's rights in a child, and shall be as fully bound thereby as if said parent had attained twenty-one years of age.

48-9. When consent may be given by persons other than parents.

Sufficiency of consent to eliminate necessity for service of process.

(a) In the following instances written consent sufficient for the purposes of the adoption filed with the petition shall be sufficient to make the person giving consent a party to the proceeding and no service of any process need be made upon such person.

Consent by county superintendent of public welfare, etc. to whom child surrendered by parents, etc.

(1) When the parent, parents, or guardian of the person of the child, has in writing surrendered the child to a superintendent of public welfare of a county or to a licensed child-placing agency upon a standard form to be supplied by the State Board of Public Welfare and at the same time in writing has consented to an adoption of the child, the superintendent of public welfare or the executive head of such agency shall give consent to the adoption of the child by the petitioners. A county superintendent of public welfare may accept the surrender of a child who was born in the county or whose parent or parents have established residence in the county.

Right of welfare superintendent to accept surrender.

Appointment of next friend when no qualified person to give legal consent.

(2) If the court finds as a fact that there is no person qualified to give legal consent as provided in this Section, or that one of them cannot do so because of mental incapacity, the court may appoint some suitable person or the county superintendent of public welfare of the county in which the child resides to act in the proceeding as next friend of the child to give or withhold such consent.

Parent's consent and surrender filed with petition, along with consent of welfare superintendent.

(b) The surrender of the child and consent for the child to be adopted given by the parent or guardian of the person to the superintendent of public welfare or to the licensed child-placing agency shall be filed with the petition along with the consent of the superintendent of public welfare or of the executive head of the agency to the adoption prayed for in the petition.

When child's consent necessary.

48-10. When child's consent necessary. In any proceeding under this Article, a child who is twelve years of age or over or who becomes twelve years of age before the granting of the final order must also consent to the proposed adoption.

Consent not revocable.

48-11. Consent not revocable. No consent described in G. S. 48-6, 48-7, or 48-9, shall be revocable by the consenting party after the entering of an interlocutory decree or a final order of adoption when the entering of an interlocutory decree has been waived in accordance with the provisions of G. S. 48-21. Any person who has consented to an adoption as herein provided shall be deemed to be a party to the adoption proceeding and shall be bound thereby.

Nature of adoption proceeding.

Venue.

48-12. Nature of proceeding; venue. Adoption shall be by a special proceeding before the Clerk of the Superior Court. The petition may be filed in the county:

(1) where the petitioners reside; or

(2) where the child resides; or

(3) where the child resided when it became a public charge; or

(4) in which is located any child-placing agency or institution operating under the laws of this State and having custody of the child or to which the child shall have been surrendered as provided in G. S. 48-9.

Reference to parental status in petition, etc., prohibited.

48-13. Reference to parental status. No reference shall be made in any petition, interlocutory decree, or final order of adoption to the marital status of the natural parents of the child sought to be adopted, to their fitness for the care and custody of such child, or to their abandonment thereof, nor shall any reference be made to any child being born out of wedlock. A clerk of court must not receive and file any papers which violate the provisions of this Section.

Use of original name of child unnecessary.

48-14. Use of original name of child unnecessary; name used in proceedings for adoption.

(a) Only in the report required by G. S. 48-16 on the investigation of the condition and antecedents of the child sought to be adopted shall the original name of the child given by the natural parent or parents be necessary.

Name used in proceedings.

(b) In the petition, interlocutory decree, and final order of adoption and in all other papers related to the case the name selected by the petitioner or petitioners as the name for the child may be used as the true and legal name and the original name shall not be necessary.

Petition for adoption.

48-15. The petition for adoption.

(a) The caption of the petition shall be substantially as follows:

Form of caption.

STATE OF NORTH CAROLINA

IN THE SUPERIOR COURT

.....COUNTY

BEFORE THE CLERK

....., (Full name of adopting father)	)
and	)
....., (Full name of adopting mother)	) PETITION
FOR THE ADOPTION OF	) FOR ADOPTION
....., (Full name of child as used in proceeding)	)

Standard form of petition.

(b) The petition may be prepared on a standard form to be supplied by the State Board of Public Welfare, or may be typewritten, giving all the information hereinafter required.

Required contents of petition.

(c) Such petition must state:

(1) the full names of the petitioners;

(2) the information necessary to show that the court to which the petition is addressed has jurisdiction;

(3) when the petitioners acquired custody of the child, and from what person or agency;

(4) the birth date and birth place of the child;

(5) the name used for the child in the proceeding;

(6) that it is the desire of the petitioners that the relationship of parent and child be established between them and said child;

(7) their desire, if they have such, that the name of the child be changed together with the new name desired;

(8) the desire of the petitioners that the said child shall, upon adoption, inherit real and personal property in accordance with the statutes of descent and distribution;

(9) the values of the personal property and of the real estate owned by the child as far as can be ascertained;

(10) that the petitioners are fit persons to have the care and custody of the child;

(11) that they are financially able to provide for him; and

(12) that there has been full compliance with the law in regard to consent to adoption or that proper service of process will be had.

Signature and verification; petition filed in duplicate.

(d) The petition must be signed and verified by the petitioners and must be filed in duplicate. The original of the petition shall be held in the office of the Clerk of the Superior Court and the duplicate sent to the State Board of Public Welfare.

Indexing of names of adopting parents and child.

(e) The names of the adopting parents must be indexed on the plaintiffs' or petitioners' side of the cross index of special proceedings. The child's name as used in the proceeding must be indexed on the defendants' or respondents' side of such index.

Investigation of conditions and antecedents of child, suitability of foster home.

48-16. Investigation of conditions and antecedents of child and of suitableness of foster home.

(a) Upon the filing of a petition for adoption the court shall order the county superintendent of public welfare, or a licensed child-placing agency through its authorized representatives, to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, to make appropriate inquiry to determine whether the proposed foster home is a suitable one for the child; and to investigate any other circumstances or conditions which may have a bearing on the adoption and of which the court should have knowledge.

Investigations in counties other than venue of proceeding.

(b) The court may order the superintendent of public welfare of one county to make an investigation of the condition and antecedents of the child and the superintendent of public welfare of another county or counties to make any other part of the necessary investigation.

Reports by public welfare superintendent.

(c) The county superintendent or superintendents of public welfare or the authorized representative of such agency described hereinbefore must make a written report within 60 days of his or their findings, on a standard form or following an outline supplied by the State Board of Public Welfare, for the examination by the court of adoption.

Interlocutory decree of adoption.

48-17. Interlocutory decree of adoption.

(a) Upon examination of the written report required in Section 48-16, the court may issue in triplicate an interlocutory decree of adoption giving the care and custody of the child to the petitioners. Such interlocutory decree must be issued within six months of the filing of the petition unless a final order is entered as provided in G. S. 48-21 (c). It may be issued on a standard form supplied by the State Board of Public Welfare or may be typewritten, giving all the information hereinafter required.

Time of issuance.

Form.

Contents of interlocutory decree.

(b) The interlocutory decree must state:

(1) that all necessary parties are properly before the court and that the time for answering has expired;

(2) the name of the child used in the petition;

(3) the full names of the petitioners and their county of residence;

(4) the fact and date of filing of the petition; and

(5) when the petitioners acquired custody of the child and from what person or agency.

The interlocutory decree must also state the findings of the court that: Required findings of the court.

(6) the petitioners are fit persons to have the care and custody of the child;

(7) the petitioners are financially able to provide for him;

(8) the child is a suitable child for adoption; and

(9) the adoption is for the best interest of the child.

48-18. Effect of interlocutory decree. Effect of interlocutory decree.

(a) Upon issuance of the interlocutory decree the child shall be placed in the care and custody of the petitioners pending further orders of the court. Such decree shall be provisional only and may be rescinded or modified at any time prior to the final order of adoption. Until the final order of adoption is made, the child shall be a ward of the court having jurisdiction.

(b) When a husband and wife have petitioned jointly to adopt and an interlocutory decree has been entered, and the death of one spouse occurs before the time for the entering of the final order, the petition of the living petitioner shall not be invalidated by the fact of the death of the other petitioner, and the court may proceed to grant the adoption to the surviving petitioner. Effect of death of one of spouses jointly petitioning for adoption.

48-19. Report on placement after interlocutory decree. When the court enters an interlocutory decree of adoption, it must order the county superintendent of public welfare or a licensed child-placing agency through its duly authorized representative to supervise the child in its adoptive home and report to the court on the placement in writing in accordance with an outline or form supplied by the State Board of Public Welfare, such report being for examination by the court before entering any final order. Report on placement after interlocutory decree.

48-20. Dismissal of proceeding. Dismissal of proceeding.

(a) If at any time between the filing of a petition and the issuance of the final order completing the adoption it is made known to the court that circumstances are such that the child should not be given in adoption to the petitioners, the court may dismiss the proceeding.

(b) The court shall give notice to the petitioners of the impending dismissal of the proceeding and they shall be entitled to a hearing to admit or refute the facts upon which the action of the court is to be based. Notice of impending dismissal to petitioners; right to hearing.

48-21. Final order of adoption; termination of proceeding within three years.

Time prescribed for termination of proceeding, where no appeal.

Time within which no final order made.

(a) If no appeal has been taken from any order of the court, the court must complete or dismiss the proceeding by entering a final order within three years of the filing of the petition. A final order of adoption must not be entered earlier than one year from the date of the interlocutory decree except as hereinafter provided.

Time prescribed for termination of proceeding, in case of appeal.

(b) If an appeal is taken from any order of the court, the proceeding must be completed by the court by entering a final order of adoption or a final order dismissing the proceeding within two years from the final judgment upon the appeal.

Authority of court to waive interlocutory decree and probation period.

(c) Upon examination of the written report required under G. S. 48-16, the court may, in its discretion, waive the entering of the interlocutory decree and the probationary period and grant a final order of adoption when the child is by blood a grandchild, nephew or niece of one of the petitioners or is the step-child of the petitioner.

Power of Court to shorten probation period.

(d) Upon examination of the written report required under G. S. 48-16 the court may, in its discretion, shorten the probationary period between the granting of the interlocutory decree and the final order of adoption by the length of the time the child has resided in the home of the petitioners prior to the granting of the interlocutory decree; provided that the child was placed in the home of the petitioners by a superintendent of public welfare or by a licensed child-placing agency and such fact has been certified to the court by the superintendent of public welfare or the executive head of the child-placing agency, but no final order shall be entered until the child shall have resided in the home of the petitioners for a period of one year.

48-22. Contents of final order.

Final order entered in triplicate; form.

(a) The final order of adoption must be entered in triplicate and may be made on a standard form furnished by the State Board of Public Welfare or may be typewritten, giving all the information hereinafter required.

Contents of final order of adoption.

(b) The final order of adoption must state:

(1) that all necessary parties are properly before the court and that the time for answering has expired;

(2) the name of the child used in the proceeding;

(3) the full names of the petitioners and their county of residence;

(4) the date when the petitioners acquired custody of the child and from what person or agency;

(5) the fact and date of the filing of the petition; and

(6) the fact and date of the interlocutory decree if such a decree has been entered.

It must also state the findings of the court that:

(7) the petitioners are fit persons to have the care and custody of the child;

(8) the petitioners are financially able to provide for him;

(9) the child is a suitable child for adoption; and

(10) the adoption is for the best interest of the child.

(c) The order shall thereupon decree the adoption of the child by the petitioners and shall order that the name of the child be changed to that requested in the petition.

Effect of final order.

48-23. Effect of final order. The final order forthwith shall establish the relationship of parent and child between the petitioners and the child, and, from the date of the signing of the final order of adoption, the child shall be entitled to inherit real and personal property in accordance with the statutes of descent and distribution.

42-24. Recordation of adoption proceedings.

Papers recorded in office of Clerk of Superior Court.

(a) Only the final order of adoption or the final order dismissing the proceeding, and no other papers relating to the proceeding, shall be recorded in the office of the Clerk of the Superior Court in the county in which the adoption takes place.

Copies of certain papers sent to State Board of Public Welfare.

(b) A copy of the petition, the consent, the report on the condition and antecedents of the child and the suitability of the foster home, a copy of the interlocutory decree, the report on the placement, and a copy of the final order, must be sent by the Clerk of Superior Court to the State Board of Public Welfare in the following order;

Time of forwarding copy of petition to State Board of Public Welfare.

(1) Within ten days after the petition is filed with the Clerk of Superior Court, a copy of the petition giving the date of the filing of the original petition, and the consent must be filed by the clerk with the State Board of Public Welfare.

Time of forwarding copy of interlocutory decree.

(2) Within ten days after an interlocutory decree is entered, a copy of the interlocutory decree giving the date of the issuance of the decree and the report to the court on the condition and antecedents of the child and the suitability of the foster home

Waiver of interlocutory decree.

must be filed by the clerk with the State Board of Public Welfare. When the interlocutory decree is waived, as provided in G. S. 48-21 the said report and the reccomendations to waive the interlocutory decree shall be so filed by the clerk.

Time of forwarding copy of final decree, etc.

(3) Within ten days after the final order of adoption is made the clerk must file with the State Board of Public Welfare the report on the supervision of the placement during the interlocutory period, and a copy of the final order.

Filing and indexing by Welfare Board.

(c) The said board must cause all papers and reports related to the proceeding to be permanently indexed and filed.

Records not open for public inspection.

48-25. Record not to be made public; violation a misdemeanor.

(a) Neither the original file of the proceeding in the office of the clerk nor the recording of the proceeding by the State Board of Public Welfare shall be open for general public inspection.

Disclosure of certain records made misdemeanor.

(b) With the exception of the information contained in the petition, the interlocutory decree, and the final order, it shall be a misdemeanor for any person having charge of the file or of the record to disclose, except as provided in G. S. 48-26, any information concerninig the contents of any other papers in the proceeding.

Procedure for opening record for necessary information.

48-26. Procedure for opening record for necessary information.

(a) Any necessary information in the files or the record of an adoption proceeding may be disclosed, to the party requiring it, upon a written motion in the cause before the clerk of original jurisdiction who may issue an order to open the record. Such order must be reviewed by a Judge of the Superior Court and if, in the opinion of said judge, it be to the best interest of the child or of the public to have such information disclosed, he may approve the order to open the record.

Motion for opening record.

Review of Clerk's order by Judge.

Filing of order to open record.

(b) The original order to open the record must be filed with the proceeding in the office of the Clerk of Superior Court. If the clerk shall refuse to issue such order, the party requesting such order may appeal to the judge who may order that the record be opened, if, in his opinion, it be to the best interest of the child or the public.

Appeal from Clerk's refusal to order opening of record.

Procedure on appeal from clerk's ruling.

48-27. Procedure when appeal is taken.

(a) In the event of an appeal from ruling of the clerk in an adoption proceeding, the clerk must impound all papers and reports not open to the public pending final determination

of the appeal. Within ten days after final determination of the appeal, the clerk must forward all papers and reports as specified in G. S. 48-24.

Certified copies of certain documents prohibited.

(b) The clerk must not at any time furnish to anyone copies or certified copies of any documents in the proceeding other than the petition, the interlocutory decree, and the final order.

Questioning validity of adoption proceeding.

48-28. Questioning validity of adoption proceeding.

(a) After the final order of adoption is signed, no party to an adoption proceeding nor anyone claiming under such a party may later question the validity of the adoption proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, save for such appeal as may be allowed by law. No adoption may be questioned by reason of any procedural or other defect by any one not injured by such defect, nor may any adoption proceeding be attacked either directly or collaterally by any person other than a natural parent or guardian of the person of the child. The failure on the part of the Clerk of the Superior Court, the county superintendent of public welfare, or the executive head of a licensed child-placing agency to perform any of the duties or acts within the time required by the provisions of this Act shall not affect the validity of any adoption proceeding.

(b) The final order of adoption shall have the force and effect of, and shall be entitled to, all the presumptions attached to a judgment rendered by a court of general jurisdiction.

Upon change of name of child adopted, new birth certificate executed.

48-29. Report of change of name to registrar of vital statistics; entry on birth certificate.

(a) Whenever in the final order of adoption the name of a child is changed, the court must immediately enter an order directing the State Registrar of Vital Statistics to make a new birth certificate for the child bearing the new name as shown in the order of adoption, name of the adoptive father, maiden name of the adoptive mother, sex, race, and date of birth of the child. No reference in the new birth certificate shall be made to the adoption nor shall the adopting parents be referred to as foster parents.

Original birth certificate and adoption records, sealed by State Registrar.

(b) The State Registrar shall place the original certificate of birth and all papers in his possession relating to the adoption under seal which shall not be broken except upon order of a court of competent jurisdiction. Thereafter, when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new birth certificate, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

Copy of new birth certificate sent to county of adoption proceedings.

(c) The State Registrar shall send a copy of the new birth certificate to the register of deeds of the county where the adoption proceedings were instituted.

Appointment of guardian for child with estate.

48-30. Guardian appointed when custody granted of child with estate. When the court grants the petitioners custody of a child, if the child is an orphan and without guardian and possesses any estate to be administered, the court must appoint a guardian as provided by law.

Rights of adoptive parents.

48-31. Rights of adoptive parents. When a child is adopted pursuant to the provisions of this Chapter, the adoptive parents shall not thereafter be deprived of any rights in the child, at the instance of the natural parents or otherwise, except in the same manner and for the same causes as are applicable in proceedings to deprive natural parents of their children.

Procuring custody of child by forfeiting parents, declared crime.

Punishment.

48-32. Procuring custody of child by forfeiting parents declared crime. Any parent whose rights and privileges have been forefeited as provided by G. S. 48-5 and who shall, otherwise than by legal process, procure the possession and custody of such child with respect to whom his rights and privileges have been forfeited shall be guilty of a crime, and shall be punished as for abduction.

Previous adoption proceedings validated.

Pending litigation not affected.

48-33. Past adoption proceedings validated. All proceedings for the adoption of minors in courts of this State are hereby validated and confirmed, and the orders and judgments heretofore entered therein are declared to be binding upon all parties to said proceedings and their privies and all other persons, until such orders or judgments shall be vacated as provided by law; provided that this Section shall not apply to litigation pending on the effective date of this Act in which the validity of a prior adoption proceeding is involved.

Effect on prior proceedings pending on June 30, 1947.

48-34. Prior proceedings not affected. Adoption proceedings pending on June 30th, 1947 shall not be affected, except that the provisions of G. S. 48-33 shall apply thereto and such proceedings shall be completed in accordance with provisions of the Statutes in effect at the time such proceedings were instituted; provided that the petitioners in proceedings pending on June 30th, 1947 may discontinue such proceedings by taking voluntary nonsuits and, upon paying the costs accrued in such discontinued proceedings, may institute new proceedings under

the provisions of this Act, in which cases all of the provisions of this Act shall apply.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

S. B. 243 **CHAPTER 886**

AN ACT TO MAKE CHAPTER 1076 OF THE SESSION LAWS OF 1945, RELATING TO THE SALE OF WINE IN CERTAIN COUNTIES, APPLICABLE TO CLEVELAND COUNTY AND MUNICIPAL CORPORATIONS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1076 of the Session Laws of 1945 is hereby amended by adding to the list of counties designated in Section 1 thereof the name "Cleveland". Ch. 1076, Session Laws, 1945, regulating sale of wine, amended to apply to Cleveland County.

SEC. 2. Chapter 1076 of the Session Laws of 1945 is hereby further amended by adding to the list of counties designated in Section 2 thereof the name "Cleveland".

SEC. 3. Chapter 1076 of the Session Laws of 1945 is hereby further amended by adding to the list of counties designated in Section 3 thereof the name "Cleveland".

SEC. 4. Chapter 1076 of the Session Laws of 1945 is hereby further amended by adding to the list of counties designated in Section 5 thereof the name "Cleveland".

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 258 **CHAPTER 887**

AN ACT TO REGULATE AND FIX THE PENALTIES AND DISCOUNTS FOR NONPAYMENT OF TAXES IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Due date of taxes levied by Nash County, and municipalities, etc., therein.

SECTION 1. All taxes assessed or levied by Nash County or by any city, town, special district, or other political subdivision of Nash County, including also the taxes assessed or levied by any city, town, special district, or other political subdivision the boundaries of which may extend into Edgecombe County, in accordance with the provisions of existing tax laws, shall be due and payable on the first Monday in October of the year in which they are so assessed or levied, and if actually payed in cash:

Period during which taxes payable at par.

(1) After the first day of October and on or before the first day of January next after due and payable, the tax shall be paid at par or face vlue.

Penalties.

(2) After the first day of January and on or before the first day of February next after due and payable, there shall be added to the tax a penalty of one per cent (1%).

(3) After the first day of February and on or before the first day of April next after due and payable, there shall be added to the tax a penalty of two per cent (2%).

(4) On and after the second day of April the penalty shall be, in addition to said two per cent (2%), one-half of one per cent (½ of 1%) per month, or fraction thereof, until paid, from said day on the principal amount of such taxes, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

Provision for prepayment of taxes.

(5) Should any taxpayer desire to make a prepayment of his taxes between August 1st and October 1st of any year, he may do so by making payment to the County Accountant of Nash County or City Accountant, City Clerk, Auditor, or Treasurer, as the governing body of the various political subdivisions, cities or towns of Nash County may determine, and shall be entitled to the following discount:

Prepayment discount.

If paid before September 1st, a deduction of one per cent (1%); if paid during the month of September, a deduction of one-half of one per cent (½ of 1%).

SEC. 2. That this Act shall apply to Nash County only. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of the Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 290 CHAPTER 888

AN ACT TO CHANGE FROM "PENALTY" OR "PENALTIES" TO "INTEREST" THE DESIGNATION OF CHARGES MADE WITH RESPECT TO LATE PAYMENT OF AD VALOREM TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 105-345, as amended, is hereby further amended by striking out the words "a penalty" in the third line of Subsection 3 and inserting in lieu thereof the words "interest at the rate", and by striking out the words "a penalty" in the third line of Subsection 4 and inserting in lieu thereof the words "interest at the rate", and by striking out the word "penalty" in the second line of Subsection 5, as amended, and inserting in lieu thereof the words "rate of interest". G. S. § 105-345, amended, as to interest chargeable for late payment of taxes.

SEC. 2. Chapter 105 of the General Statutes is hereby amended by adding a new Section immediately following Section 105-345, to be designated Section 105-345.1, and to read as follows: G. S., Ch. 105, amended, adding new section.

SEC. 105-345.1. Penalty deemed to be interest. Wherever the words "penalty" or "penalties" are used in any statute to designate any charge imposed by law with respect to the late payment of county or municipal ad valorem taxes, the same shall be deemed to mean and be interest, but this shall not be construed to authorize the computation and imposition of any charge different from that which would be computed and imposed if this Section had not been enacted, or if Section 105-345 had not been amended by substituting the designation "interest" for the designation "penalty" in several instances therein. "Penalty" when used in statute deemed to be "interest."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 340 **CHAPTER 889**

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF MOORE COUNTY TO SUPPLEMENT THE FUNDS OF ANY SCHOOL DISTRICT FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Provision for school supplement tax, city administrative units, Moore County.

SECTION 1. The Moore County Board of Education and the school governing body of any city administrative unit in said County, with the approval of the tax levying authorities in said County or city administrative unit and the State Board of Education, in order to operate schools of a higher standard than that provided by state or county support in either of said administrative units having a school population of seven hundred (700) or more, or any school district in said county administrative unit having a school population of seven hundred (700) or more, but in no event to provide a term of more than one hundred and eighty (180) days, may supplement the funds from State or county allotments available to such administrative unit or school district: *Provided,* that before making any levy for supplementing said allotments, an election shall be held in said administrative unit, or district to determine whether there shall be levied a tax to provide said supplemental funds, and to determine the maximum rate which may be levied therefor. Upon the request of the County Board of Education in the county administrative unit and/or the governing body of any city administrative unit, the tax levying authorities of such unit shall provide for an election to be held under the laws governing such elections as set forth in Articles 22, 23, and 24 of this chapter, but the County Board of Education shall not call any special election in a district within the county administrative unit until the school committee of such district has petitioned the County Board of Education for such an election.

Subject to election.

Conduct of election.

Petition for election by school committee.

Certain taxes ratified.

SEC. 2. Any taxes heretofore, or now being levied by virtue of an election held in any school district or city administrative unit in Moore County with a school population of less than one thousand (1,000), are hereby fully ratified and are as binding as if such district or city administrative unit had a school population of one thousand (1,000) or more at the time of the holding of such an election. The Board of County Commissioners, or the tax levying authorities of any city administrative unit, is authorized to continue to levy such tax the same as if the district or unit contained a school population of one thousand (1,000) or more.

Certain tax levies continued.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S. B. 352 CHAPTER 890

AN ACT TO PROHIBIT THE SALE OF WINE OR BEER WITHIN TWELVE HUNDRED (1200) FEET OF FLORENCE AVENUE BAPTIST CHURCH, OAK HILL TOWNSHIP, GRANVILLE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sale of wine or beer within 1200 feet of Florence Avenue Baptist Church, Granville County, prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to sell or offer for sale any wine or beer within twelve hundred (1200) feet of Florence Avenue Baptist Church, Oak Hill Township, Granville County, North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S. B 353 CHAPTER 891

AN ACT TO PROVIDE FOR THE REGISTRATION OF ALL PERSONS, FIRMS, AND CORPORATIONS ENGAGED IN THE ACTIVITY OR BUSINESS IN THIS STATE OF INFLUENCING PUBLIC OPINION AND /OR LEGISLATION.

The General Assembly of North Carolina do enact:

Registration of persons and organizations engaged principally in influencing public opinion or legislation.

SECTION 1. Every person, firm, corporation, association, or organization, whether by or through its agents, servants, employees or officers, who or which is principally engaged in the activity or business of influencing public opinion and/or legislation in this State shall, prior to engaging in such activity or business, cause his, or its name to be entered upon a docket in the office of the Secretary of State of North Carolina, as hereinafter provided.

Information required to be shown on docket.

SEC. 2. The following information shall be entered in such docket:

The name, business address of the principal and all branch offices of the applicant; the purpose or purposes for which such corporation, association, or organization was formed; the names of the principal officers, the names and addresses of its agents, servants, employees or officers by or through which it intends to carry on such activity or business in this State; a financial statement showing the assets and liabilities of the applicant and the source or sources of its income, itemizing in detail any contributions, donations, gifts or other income and from what source or sources received.

Docket kept by Secretary of State.

Record open to public.

SEC. 3. The Secretary of State shall prepare and keep in his office the docket containing the information required by Section 2 of this Act. Such record shall be a public record and shall be open to the inspection of any citizen at any time during the regular business hours of the office of the Secretary of State.

Act not applicable to certain localized activities.

SEC. 4. This Act shall not apply to any person, firm, corporation, or organization who or which is engaged in influencing public opinion on any matter which is applicable only to one county or one county and a county contiguous thereto.

Failure to comply with Act made misdemeanor.

SEC. 5. Any person, firm, corporation, association, or organization who or which shall engage in the activity or business herein described without first causing his, her, or its name to be entered upon such docket in the manner and form prescribed in this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned in the discretion of the court.

Time prescribed for registration by persons presently engaged in regulated activities.

SEC. 6. All persons engaged in the activity or business herein described, upon the date of the ratification of this Act, shall, within thirty days thereafter, cause his, her, or its name to be entered upon the docket in the office of the Secretary of State of North Carolina in the manner and form prescribed by this Act.

Annual registrations required.

SEC. 7. Every person, firm, corporation, or organization engaging in the activity or business prescribed in this Act shall, on or before the first day of January, 1948, and annually thereafter, again cause his, her, or its name to be entered upon such docket in the manner and form prescribed in this Act.

Act not applicable when activity engaged in solely through newspapers, radio, etc.

SEC. 8. This Act shall not apply to persons, firms, corporations, or organizations who carry on such activity or business solely through the medium of newspapers, periodicals, magazines, or other like means which is or may be admitted under U. S. Postal regulations as second-class mail matter in the United States

mails as defined in Title 39, Section 224, United States Code Annotated, and/or through radio, television or facsimile broadcast operations. This Act shall also not apply to any person, firm, corporation, candidate in any political election campaign committee, or any committee, association, organization, or group of persons who or which have filed information as required by the Corrupt Practices Act of 1931.

Not applicable to certain political candidates, etc.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S B. 358 CHAPTER 892

AN ACT TO AID THE COUNTIES OF THE STATE IN THE ASSESSMENT AND COLLECTION OF CERTAIN AD VALOREM TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. Article 18 of Chapter 105 of the General Statutes is hereby amended by inserting therein a new Section, to be numbered Section 105-302.1, to follow immediately Section 105-302, and to read as follows:

G. S., Ch. 105, Art. 18, amended; new section.

Section 105-302.1. Inventories or lists of merchandise to be furnished. At the time of listing tangible personal property, every person, firm, or corporation engaged in the business of selling, or offering for sale, goods, wares, or merchandise in more than one county in this State shall furnish to the tax listing authorities of each county in which said business is engaged in, in addition to any other inventory, list, or report required by Article 18 of Chapter 105 of the General Statutes, a certificate, subscribed and sworn to by a duly authorized agent having knowledge of the facts, containing a list of the counties in which other stores are operated and the true value of the stock of goods or merchandise in each county and the total value of the goods or merchandise owned in this State.

Merchants doing business in more than one county, required to file merchandise inventory with each county, for tax purposes.

Certificate required containing certain information.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 372 **CHAPTER 893**

AN ACT TO AMEND CHAPTER 20-16 GENERAL STATUTES RELATING TO THE AUTHORITY OF THE DEPARTMENT OF MOTOR VEHICLES TO SUSPEND LICENSES.

The General Assembly of North Carolina do enact:

G. S. § 20-16, amended, as to authority of Motor Vehicles Department to suspend auto driver's license.

SECTON 1. That Chapter 20-16, Subsection 2, General Statutes is hereby amended by striking out the semi-colon after the word "driver" at the end of said Subsection and by substituting a comma for such semi-colon and by adding the following words:

and where such property damage has not been compensated for;

Section amended further; notice to licensee.

SEC. 2. Further amend Chapter 20-16 General Statutes by striking out the period after the word "County" in line 10 of Subsection (b) and by inserting the following:

and such notice shall contain the provisions of this paragraph printed thereon.

Section amended as to power to revoke license.

Further amend said Subsection (b) by striking out the words "or revoke such license" appearing in lines 18 and 19 of said Section.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 396 **CHAPTER 894**

AN ACT TO AUTHORIZE THE DEDUCTION FROM GROSS INCOME FOR INCOME TAX PURPOSES OF CONTRIBUTIONS MADE TO VETERANS' ORGANIZATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 105-147 is hereby amended by rewriting that portion of Subsection 9 preceding the word "provided" in line 10 of said Subsection to read as follows: G. S. § 105-147, amended, as to deductions under income tax.

Contributions or gifts made by individuals, firms, partnerships and corporations within the income year to corporations, trusts, community chests, funds, foundations, or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions or gifts made by individuals, firms, partnerships and corporations within the income tax year to posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual: Deductions from gross income. Contributions to veterans' organizations deductible.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after January 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 407 **CHAPTER 895**

AN ACT TO PROHIBIT CARNIVALS FROM SHOWING IN FRANKLIN COUNTY FIFTEEN DAYS BEFORE OR AFTER THE ORGANIZED FRANKLIN COUNTY FAIR.

The General Assembly of North Carolina do enact:

SECTION 1. That no carnival company or other like amusement enterprise shall fill any engagement in Franklin County for fifteen days before or after the regular Franklin County Fair dates, either under canvas or otherwise, and shall not Regulation of carnivals, Franklin County.

operate or open for business, either showing independently or in connection with any organization of any sort, or for the benefit of any cause whatsoever, *provided, however*, that this Section shall not apply to any carnival or amusement company held under the auspices of, and in connection with, the Franklin County Fair; provided this Act shall not apply to Franklinton Township.

Punishment for violations.

SEC. 2. Any one violating Section 1 of this Act shall be guilty of a misdemeanor, and shall be fined not more than $500.00, or imprisoned not more than 60 days for each day of violation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S. B. 411 CHAPTER 896

AN ACT AMENDING THE CHARTER OF THE TOWN OF PITTSBORO AS CONTAINED IN CHAPTER 153 OF THE PRIVATE LAWS FOR THE YEAR OF 1889, AS AMENDED, TO AUTHORIZE CALLING OF ELECTIONS ON EXTENSION OF CORPORATE LIMITS OF THE TOWN OF PITTSBORO IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 153, Private Laws, 1889, amended.

SECTION 1. Chapter 153 of the Private Laws of North Carolina for the year 1889 is hereby further amended by adding at the end of Section 2 thereof new paragraphs as follows:

Provision for extension of corporate limits, Town of Pittsboro.

Notice of hearing on proposed extension.

That the governing body of the Town of Pittsboro may from time to time define any territory adjacent to the existing corporate limits of the Town of Pittsboro, which in the judgment of said governing body should be annexed to said Town and be included within its corporate limits. Said governing body shall give due notice of its intention to consider a resolution describing territory to be annexed and included within its corporate limits and shall conduct a public hearing upon such resolution. Notice of the time and place of such hearing with a description of the territory being considered for annexation shall be given by running a notice thereof in one issue of some newspaper having a general circulation in said Town of Pittsboro, and at least ten days before the date fixed for such public hearing.

Publication of notice.

Request by town governing body for election on question of extension.

Following such hearing and upon the adoption of a resolution defining and describing such territory, and finding that it is advisable that such territory be annexed to the Town of Pittsboro, the governing body shall furnish to the Chatham County Board of Elections a certified copy of the resolution and shall request the Chatham County Board of Elections to call and conduct an election to determine whether or not such territory shall be annexed and included in the corporate limits of the Town of Pittsboro.

Call of election by Chatham County Board of Elections.

Upon receipt of the certified copy of the resolution the Chatham County Board of Elections shall call an election to be held not less than 60 days and not later than 90 days following the adoption of the resolution by the said governing body and the call for said election shall:

Requirements as to call for election.

(a) describe the territory proposed to be annexed to the town;

(b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said town as shown by its general registration books and of the territory to be annexed, voting together;

(c) provide for a new or special registration of voters in the territory proposed to be annexed for said election;

(d) designate the precincts and voting places for such election;

(e) name the registrars and the judges of election;

(f) make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the results, and said call shall be published once a week for four successive weeks prior to said election in same newspaper having a general circulation in Town of Pittsboro.

Ballots.

Effect of majority vote for extension.

At such election the qualified voters shall be furnished ballots on which shall be printed the words "For Extension" and "Against Extension". If at such election a majority of the votes cast shall be "For Extension," then from and after the 31st day of December of the year in which the election is held the territory so voted on and its citizens and property shall be subject to all the laws, ordinances and regulations then in force or thereafter adopted in the Town of Pittsboro, and same shall be included within the corporate limits of the Town of Pittsboro and shall be a part of said Town, and the territory so annexed and the citizens and property therein shall be afforded by the

Town of Pittsboro as soon as practicable the same municipal privileges, benefits, services and facilities, without discrimination, as are afforded other comparable parts of the Town of Pittsboro at the time said territory is annexed.

Costs of election paid by town.

The cost of holding such elections shall be a necessary public expense and shall be paid from the general funds of the Town of Pittsboro. The holding of said elections and the canvassing of the returns and all other matters pertaining to said elections, shall be as provided by law for the election of members of the governing board of the Town of Pittsboro.

Conduct of election.

Map showing annexed area recorded in Chatham County Registry.

Whenever the corporate limits of the Town of Pittsboro are enlarged, in accordance with the provisions of this Act, it shall be the duty of the Mayor of the town to cause an accurate map of the town including the annexed territory to be recorded in the Office of the Register of Territories of Chatham County.

Governing body, Town of Pittsboro, authorized to make surveys.

The governing body of the town is hereby authorized to make the surveys required to properly describe the territory proposed to be annexed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S. B. 417 CHAPTER 897

AN ACT TO AMEND SECTION 147-32 OF THE GENERAL STATUTES OF NORTH CAROLINA BY STRIKING OUT THE REQUIREMENT THAT RECIPIENTS SHALL HAVE ATTAINED THE AGE OF SIXTY-FIVE YEARS.

The General Assembly of North Carolina do enact:

G. S. § 147-32, amended, as to compensation for widows of Governors; age requirement eliminated.

SECTION 1. That Section 147-32 of the General Statutes of North Carolina be and the same is hereby amended by striking out of lines four, five and six the following: "and who have attained or shall thereafter attain the age of sixty-five (65) years."

Section amended further.

SEC. 2. That said Section 147-32 of the General Statutes of North Carolina be and the same is further amended by adding at the end thereof the following:

Provided, further that such compensation shall terminate upon the subsequent remarriage of such persons. Termination of compensation upon widow's remarriage.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 427 CHAPTER 898

AN ACT AUTHORIZING THE GOVERNOR, SUBJECT TO THE APPROVAL OF THE ADVISORY BUDGET COMMISSION, TO FIX THE SALARIES OF ADMINISTRATIVE OFFICERS WHOSE SALARIES ARE NOW FIXED BY STATUTE.

The General Assembly of North Carolina do enact:

SECTION 1. The salaries of administrative officers whose salaries are now fixed by Statute shall be fixed by the Governor, subject to the approval of the Advisory Budget Commission, such salaries to be payable in equal monthly installments. Provision for payment of salaries of certain administrative officers in monthly installments.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 431 CHAPTER 899

AN ACT TO AMEND SECTION 7-272 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT OF THE GENERAL COUNTY COURT IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 7-272 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof the following: G. S. § 7-272, amended, as to court terms, General County Court, Duplin County.

Time for trial of jury cases.

In Duplin County the court shall convene on the first Monday in each month for the trial of all civil and criminal cases in which a jury trial has been demanded and where a regular jury has been drawn from the box, as provided in Section 7-288 of the General Statutes. The court may, in its discretion, try such cases at any time by calling in tales jurors, as provided in Section 7-289 of the General Statutes, and may, in its discretion, recess the court from day to day or to a day certain for the trial of all civil or criminal actions, either with or without a jury as the case may be.

Filing of cases bound over from Justices of the Peace and Mayors.

All cases which have been bound over to the general county court by justices of the peace or mayors shall be filed with the clerk of the court on or before Wednesday preceding the term or time at which the case is to be tried. The court may, in its discretion, convene court at any time for the purpose of hearing motions and submissions.

Motions and submissions.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 437 CHAPTER 900

AN ACT TO PRESCRIBE THE FEES FOR THE OFFICE OF CLERK OF THE SUPERIOR COURT OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Fees and commissions of C. S. C., Pitt County.

Application of General Fee Bill, when fee not prescribed by this Act.

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Pitt County and the Clerk Ex Officio of the Pitt County Recorder Court shall be the following and none other: *Provided, however,* that when a fee is not fixed herein, the fee to be charged therefor shall be as provided and set out in the General Fee Bill of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees.

No fee chargeable to county official for taking bond.

SEC. 2. The clerk shall not charge any fee of any public official of Pitt County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the county or state.

Definition of fiduciary.

SEC. 3. Definition of Fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c. t. a., administrator d. b. n., administrator c. t. a., d. b. n., collector, guardian, trustee, receiver, surviving partner, or any other person appointed by the clerk or any other court to administer a trust or estate that shall come under the jurisdiction of the clerk and/or when the clerk is required by law or by an order of any court to supervise the administration of the estate and to audit and approve the accounts filed by such person.

Commission for selling property under foreclosure of mortgage, etc., given in lieu of bond.

SEC. 4. Advertising and selling property, either real or personal upon the foreclosure of any mortgage, chattel mortgage, or deed of trust given the Clerk of Court in lieu of bond, where no fee is specified in the instrument, the sum of 5% of the sale price.

Fee in adoption proceeding.

SEC. 5. Adoption, complete, five dollars ($5.00).

Affidavits.

SEC. 6. Affidavit, twenty-five cents (25c) for each person, (except affidavits on inventories, annual and final accounts of fiduciaries and affidavits taken for the County of Pitt).

Docketing appeal to Superior Court.

SEC. 7. Appeal, docketing, from clerk or any court, inferior to the Superior Court, one dollar ($1.00).

Certificate in appeal to Supreme Court.

SEC. 8. Appeal to Supreme Court, certificate and seal, two dollars ($2.00).

Issuance of arrest order.

SEC. 9. Arrest, for issuing order of, for each defendant, one dollar ($1.00).

Attachment order.

SEC. 10. Attachment, order, fifty cents (50c).

Filing inventory.

SEC. 11. Filing inventory, fifty cents (50c), plus recording fee.

Auditing annual accounts.

SEC. 12. Auditing annual acounts of any fiduciary, if not over three hundred dollars ($300.00), fifty cents (50c); if over three hundred dollars ($300.00) and not exceeding one thousand dollars ($1,000.00), one dollar ($1.00); if over one thousand dollars ($1,000.00) and not exceeding ten thousand dollars ($10,000.00), one dollar and fifty cents ($1.50); if over ten thousand dollars ($10,000.00), two dollars ($2.00): *Provided*, that these fees shall also apply to funds received from sale of real estate but such fiduciaries to create assets with which to pay debts, and *provided further* that these fees shall be in addition to fees charged for recording such accounts.

Fees for auditing final settlements of fiduciaries.

SEC. 13. Auditing final settlement of receiver, executor, administrator, guardian, trustee, mortgagee, or other fiduciary required to render accounts, one half of one per cent on the amount on which commissions are allowed to such receiver, executor, administrator, trustee, mortgagee, or other fiduciary, for all sums not exceeding one thousand dollars ($1,000.00); and on all sums in excess thereof one tenth of one per cent as follows: Over one thousand dollars ($1,000.00) and not exceeding thirty thousand dollars ($30,000.00), not to exceed twenty dollars ($20.00); over thirty thousand dollars ($30,000.00) and not exceeding fifty thousand dollars ($50,000.00), not to exceed twenty-five dollars ($25.00); over fifty thousand dollars ($50,000.00) and not exceeding one hundred and fifty thousand dollars ($150,000.00), not to exceed thirty dollars ($30.00); over one hundred and fifty thousand dollars ($150,000.00) and not exceeding three hundred thousand dollars ($300,000.00), not to exceed forty dollars ($40.00); and over three hundred thousand dollars ($300,000.00), not to exceed fifty dollars ($50.00). Plus recording fees.

Fees for auditing and recording final account of commissioners selling real estate.

SEC. 14. Auditing and recording final account of commissioners appointed to sell real estate, one half of the fees allowed for auditing and recording final accounts of executors, administrators, guardians, and other fiduciaries, not to exceed fifteen dollars ($15.00): *Provided,* that this Section shall not apply to real estate where the funds are turned over to the fiduciary.

Preparing bill of costs.

SEC. 15. Bill of cost, preparing same, twenty-five cents (25c).

Justification of bond.

SEC. 16. Bond or undertaking, including justification, sixty cents (60c).

Canceling lis pendens notice.

SEC. 17. Canceling notice lis pendens, twenty-five cents (25c).

Issuance of capias.

SEC. 18. Capias, for issuing for each defendant, one dollar ($1.00).

Docketing caveat to will.

SEC. 19. Caveat to a will, entering and docketing same for trial, one dollar and fifty cents ($1.50).

Certificate.

SEC. 20. Certificate, twenty-five cents (25c), except where it is a charge against the county.

Issuing commission.

SEC. 21. Commission—issuing, seventy-five cents (75c).

Continuance.

SEC. 22. Continuance—fifty cents (50c).

Commissions for collecting fines, penalties, etc.

SEC. 23. Commissions: Five per cent commission shall be allowed the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office; and three per cent on all sums of money not exceeding five hundred dollars ($500.00) placed in his hands by virtue of his office, except in judgments, decrees and executions, including funds paid into the office for

minor children which are to be administered by him; and upon the excess over five hundred dollars ($500.00) of such sums, one per cent.

Confirmation of sale.

SEC. 24. Confirmation of sale, whether signed by judge or clerk, one dollar ($1.00).

Acknowledgment of separation deed.

SEC. 25. Deed of separation, acknowledged by husband and wife, with a special examination of wife, including probate, one dollar ($1.00).

Issuing dower writ.

SEC. 26. Dower, issuing writ, one dollar ($1.00).

Docketing ex parte proceeding.

SEC. 27. Ex parte proceeding, docketing one dollar ($1.00).

Docketing petition.

SEC. 28. Docketing petitions, one dollar each ($1.00).

Docketing warrant.

SEC. 29. Docketing warrant, twenty-five cents (25c) each.

Docketing judgment.

SEC. 30. Docketing judgment, fifty cents (50c).

Docketing summons.

SEC. 31. Docketing summons or alias summons, each, twenty-five cents (25c).

Docketing execution and return.

SEC. 32. Execution and return thereon, including docketing, fifty cents (50c); and certifying return to clerk of any county where judgment is docketed, twenty-five cents (25c).

Filing papers.

SEC. 33. Filing papers, five cents (5c) for each paper filed in each case.

Appointment of fiduciaries.

SEC. 34. Fiduciaries, appointment and qualification of, including taking bond and justification and original letters, two dollars and fifty cents ($2.50).

Certified copy, fiduciary letters.

SEC. 35. Fiduciary letters, each certified copy, fifty cents (50c).

Notifying Solicitor, removal of guardian.

SEC. 36. Guardian, notifying solicitor of removal, one dollar ($1.00).

Appointment of guardian ad litem.

SEC. 37. Guardian ad litem and next friend, appointment of each one dollar ($1.00).

Hearing before Clerk.

SEC. 38. Hearing before the clerk, fifty cents (50c) per hour for each hour over two with a minimum fee of one dollar ($1.00).

Impaneling jury.

SEC. 39. Impaneling jury, twenty-five cents (25c).

Injunction order.

SEC. 40. Injunction, order, one dollar ($1.00).

Indexing.

SEC. 41. Indexing, twenty-five cents (25c) for the first name and ten cents (10c) for each name thereafter indexed in any civil action or special proceeding.

Indictment.

SEC. 42. Indictment, each defendant in bill, one dollar ($1.00).

Commitment of insane person.

SEC. 43. Insane person, examination and commitment thereof, except in case of paupers, two dollars ($2.00).

Issuing permit to purchase pistol.

SEC. 44. Issuing permit to purchase pistol or other weapon, fifty cents (50c).

Probate fees.

SEC. 45. Probate of any instrument in writing, for each notary public or other officer before whom the said instrument shall have been acknowledged twenty-five cents (25c); *provided* that where the instrument shall be recorded by the register of deeds for a fee of not more than fifty cents (50c), the fee to be collected by the Clerk of Court under this Section shall be ten cents (10c); *and provided further* that where any instrument in writing is acknowledged before the Clerk of Court the fee for such acknowledgment and probate shall be twenty-five cents (25c).

Recording corporate certificates.

SEC. 46. Recording certificates of incorporation of corporations complete, three dollars ($3.00).

Recording dissolution certificate.

SEC. 47. Recording certificates of dissolution of corporations, one dollar ($1.00).

Report of sale by trustee, etc.

SEC. 48. Report of sale by any trustee or mortgagee, as required by law, made in a special book kept for that purpose, a fee of one dollar ($1.00).

Final judgments, civil cases.

SEC. 49. Judgment, final, civil actions and special proceedings before judge or clerk, one dollar ($1.00).

Final judgment, criminal cases.

SEC. 50. Judgment, final, against each defendant in criminal actions, one dollar ($1.00).

Judgment by confession.

SEC. 51. Judgment by confession, complete, three dollars ($3.00).

Judgment nisi, issuing sci. fa.

SEC. 52. Judgment nisi and issuing sci fa to a defaulting witness, juror or of any bail bond or recognizance, one dollar ($1.00) for each person for whom same is issued.

Docketing lien.

SEC. 53. Lien, docketing and indexing, one dollar ($1.00).

Docketing lis pendens.

SEC. 54. Lis Pendens, filing docketing and indexing, seventy-five cents (75c).

Entry of judgment or order in minute book.

SEC. 55. Minute book, entry of any order or judgment thereon, whether signed by judge or clerk, a minimum fee of one dollar ($1.00).

Entry of motions.

SEC. 56. Motions, entry and record of, twenty-five cents (25c).

Notices.

SEC. 57. Notices, twenty-five cents (25c), and for each name over one in same paper, ten cents (10c) additional.

Qualifying Notary Public.

SEC. 58. Notary Public, qualifying and indexing, fifty cents (50c).

Issuing certificate, registered nurse.

SEC. 59. Nurses, registering trained nurses, including certificate of registration, fifty cents (50c).

Interlocutory orders.

SEC. 60. Orders, enlarging time for pleading, and all interlocutory orders, twenty-five cents (25c) each.

Registration of partnership certificates.

SEC. 61. Partnership, registering certificate and indexing, seventy-five cents (75c). Probate, limited partnership, seventy-five cents (75c).

Probate of will, common form.

SEC. 62. Probate of will in common form complete. Qualification of fiduciary and letters excepted, two dollars and fifty cents ($2.50).

Qualifying Justice of Peace.

SEC. 63. Qualifying justice of the peace, twenty-five cents (25c) to be paid by the justice.

Recording and copying papers.

SEC. 64. Recording and copying papers, ten cents (10c) per one hundred words.

Recording minutes.

SEC. 65. Recording minutes in criminal and civil cases, ten cents (10c) per one hundred words.

Certified copies of records.

SEC. 66. Records, certified copies of: Transcript of any record or paper on file, when prepared by other than the clerk's office, for verification thereof, ten cents (10c) per copy sheet for the first two copy sheets and five cents (5c) per copy sheet for any excess, and fifty cents (50c) additional for certificate and seal.

Renunciations.

SEC. 67. Renunciation of right to qualify as guardian, administrator, executor, or other fiduciary, twenty-five cents (25c).

Transcripts.

SEC. 68. Transcript of any matter on record or on file, ten cents (10c) for each one hundred words and fifty cents (50c) additional for certificate and seal.

Seal of office.

SEC. 69. Seal of office, when necessary, twenty-five cents (25c).

Solicitor's fees, criminal actions.

SEC. 70. Solicitor's fee. The fees set out in the following Subsections for the offenses therein set out shall be taxed by the Clerk of the Superior Court in all criminal actions wherein the defendant is liable for or is adjudged to pay the cost, and when said cost is collected, it shall be paid into the school fund of Pitt County.

Payment into school fund.

Fees for conviction of capital crime.

(a) For every conviction (whether of a lesser offense or not) under an indictment charging a capital crime, whether by plea or verdict, forty dollars ($40.00).

Fees in perjury, forgery, etc., cases.

(b) For perjury, forgery, passing or attempting to pass or sell any forged or counterfeited paper, or evidence of debt; maliciously injuring or attempting to injury any railroad or railroad car, or any person traveling on such railroad car; stealing or obliterating records; maliciously burning or attempting to burn houses or bridges; seduction; slander of an innocent woman, and embezzlement; breaking into houses otherwise than burglariously; assault with intent to commit rape; larcenies from the person; false pretense, and secret assault; in each of the above cases, twenty dollars ($20.00).

Fees for larceny, and certain other felonies.

(c) For larceny, receiving stolen goods, frauds, maims, deceits, escapes, and other felonies, fifteen dollars ($15.00).

Fees for disturbing public meetings; etc.

(d) For disturbing religious and other public meetings; for all violations of the prohibition law as to intoxicating liquors and narcotics; for fornication and adultery and resisting an officer, twelve dollars ($12.00).

Fees for other offenses.

(e) For all other offenses, eight dollars ($8.00).

Stenographer's fees.

SEC. 71. Stenographer, in each criminal and each civil case docketed a fee of one dollar ($1.00), and in all cases where the stenographer is actually used, a maximum fee of ten dollars ($10.00) per day and minimum fee of five dollars ($5.00).

Issuing subpoenas.

SEC. 72. Subpoena, for issuing for each name, fifteen cents (15c).

Issuing summons.

SEC. 73. Summons, issuing original or alias original in an action, one dollar ($1.00) each, and for each copy thereof, twenty-five cents (25c).

Transcript of judgment.

SEC. 74. Transcript of judgment, issuing, regular form, forty-five cents (45c); with ten cents (10c) per one hundred words additional for long form judgment, this in addition to the forty-five cents (45c).

Issuing warrant.

SEC. 75. Warrant, for issuing for each defendant, one dollar ($1.00).

Widow's year's support.

SEC. 76. Widow's year's support, docketing report of allotment and judgment for deficiency, seventy-five cents (75c).

Conflicting laws repealed.

SEC. 77. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 78. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 440 **CHAPTER 901**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF ALBEMARLE TO APPROPRIATE NOT EXCEEDING $15,000.00 FROM THE SURPLUS OF THE GENERAL FUND TO BE PAID STANLY COUNTY HOSPITAL, INCORPORATED, FOR PROVIDING FACILITIES FOR CARE OF INDIGENT SICK AND AFFLICTED POOR.

The General Assembly of North Carolina do enact:

Appropriations for indigent sick, by Town of Albemarle, authorized.

SECTION 1. That for the necessary expense of providing facilities for the care of the indigent sick and afflicted poor of the Town of Albemarle the board of commissioners of said town is hereby authorized to appropriate annually in each of the fiscal years beginning July 1st, 1947, July 1st, 1948, July 1st, 1949 and July 1st, 1950, from surplus revenues and unencumbered balances which may be available in the current operating expense (general) fund of said town at the end of the fiscal year next preceding each of such fiscal years an amount which it may, in its discretion, deem expedient and to cause and direct such amount to be paid to Stanly County Hospital, Incorporated; provided, however, the aggregate of the amounts so appropriated and paid shall not exceed the sum of fifteen thousand dollars ($15,000.00).

Use of surplus revenues.

Payments to Stanly County Hospital.

Limitation of amount of appropriations.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 446 **CHAPTER 902**

AN ACT TO PERMIT THE TOWN OF FRANKLINTON, NORTH CAROLINA, TO SELL CERTAIN PROPERTY.

The General Assembly of North Carolina do enact:

Town of Franklinton authorized to sell certain real estate.

SECTION 1. That the Mayor and Commissioners of the Town of Franklinton, North Carolina, shall have power to sell at either public or private sale a certain lot now owned by said town and used as the mayor's office, and being situate on the west side of South Main Street, said lot being twenty (20) feet on Main Street and running back one hundred fifty-nine (159) feet, said lot now being used for municipal purposes,

said sale to be under the provisions set forth in Chapter 160 Section 59 of the General Statutes.

Use of proceeds.

SEC. 2. That the proceeds realized from said sale shall be used by the board of commissioners of said town for general purposes of said town, or for the erection of a new municipal building.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 447 CHAPTER 903

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER WITHIN ONE MILE OF THE AULANDER BAPTIST CHURCH AND WITHIN ONE MILE OF THE AULANDER HIGH SCHOOL.

The General Assembly of North Carolina do enact:

Sale of beer, wine, etc., within certain localities, Bertie County, prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, offer for sale, or possess for sale any beer, lager beer, ale, porter, wine, or fortified wine within a radius of one mile of the Aulander Baptist Church, located at the corner of Harmon and Canal Streets in the Town of Aulander, Bertie County, and within a radius of one mile of the Aulander High School, located on Rice Avenue in the Town of Aulander, Bertie County.

Punishment for violations.

SEC. 2. Any person, firm or corporation who violates any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Partial invalidity provision.

SEC. 4. If any part of this Act shall be declared unconstitutional, it shall not affect any other part of the Act.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

S. B. 456 **CHAPTER 904**

AN ACT TO ELIMINATE MOORE COUNTY FROM THE EXCEPTIONS TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Ch. 526, Session Laws, 1945, amended, purporting to eliminate Moore County from exceptions to retirement system Act.

SECTION 1. Amend Section 9 of Chapter 526 of the Session Laws of 1945 by striking out "Moore County;" in the fourth line of said Section 9.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 83 **CHAPTER 905**

AN ACT TO AMEND CHAPTER 165 OF THE GENERAL STATUTES OF NORTH CAROLINA, ARTICLE III, ENTITLED MINOR SPOUSES OF VETERANS.

The General Assembly of North Carolina do enact:

G. S. § 165-18, amended, as to rights of minor spouses of veterans.

SECTION 1. The General Statutes of North Carolina be hereby amended by inserting between paragraph (a) and (b) of Section 165-18, of Article III of said Chapter a new Section (b) reading as follows:

Power to join in execution of certain contracts, deeds, etc.

(b) Any person under the age of 21 years, who is the husband or wife of a veteran, is hereby authorized and empowered in his or her own name, and without any order of court or the intervention of a guardian or trustee, to join in the execution of any contract, deed, conveyance or other instrument which may be deemed necessary to enable his or her veteran spouse to make full use of any property purchased pursuant to the provisions of the foregoing Section, including the right to dispose of such property.

Designation of new subsection.

SEC. 2. That the present subparagraph (b) of Section 165-18 of said Article III, Chapter 165, should be designated as Subsection (c).

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 371 **CHAPTER 906**

AN ACT TO INCORPORATE THE TOWN OF KURE BEACH IN THE COUNTY OF NEW HANOVER, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation of Town of Kure Beach.

SECTION 1. That the Town of Kure Beach in the County of New Hanover is hereby incorporated under the name and title of Kure Beach, and L. C. Kure, Ed Lewis and C. E. Danner, and their successors in office are hereby declared to be the governing body of the municipal corporation created by this Act, with succession during the corporate existence of Kure Beach, and shall be styled the Commissioners of the Town of Kure Beach.

Governing body named.

Rights, powers, liabilities, etc. of Town of Kure Beach.

SEC. 2. The Town of Kure Beach shall have all the rights, privileges, powers, immunities and liabilities which are conferred upon and are incident to incorporated cities and towns by virtue of the laws of the State of North Carolina, and all such as are created, limited, modified or extended by this Act; but whenever this Act shall be in conflict with or repugnant to the general laws of the State applicable to cities and towns, then this Act shall govern and control in so far as the rights, privileges, powers, immunities and liabilities of the Town of Kure Beach are concerned.

Application of repugnant laws.

Corporate limits defined.

SEC. 3. That the corporate limits of said town shall be as follows:

Beginning at a stone at low water mark of the Atlantic Ocean, said stone being the dividing point between the limits of the development in Federal Point Township, County of New Hanover and State of North Carolina, known as Fort Fisher Sea Beach, and the lands owned and occupied by Ethyl-Dow Chemical Company; running thence from said beginning point with the Ethyl-Dow Chemical Company line North 86 degrees 19 minutes West about 1100 feet to a stone, Ethyl-Dow Chemical Company corner; thence in a southwestwardly direction with the Ethyl-Dow Chemical Company line about 1300 feet to a stone, another Ethyl-Dow Chemical Company corner; thence with said Ethyl-Dow Chemical Company line North 86 degrees 19 minutes West about 1250 feet to a stone, another Ethyl-Dow Chemical Company corner, said stone being

in the western line of Ninth Avenue of the plan of Fort Fisher Sea Beach; thence in a southwestwardly direction, with and along the western line of Ninth Avenue about 710 feet to a stone, said stone marking the southwest corner of the lands of the Ethyl-Dow Chemical Company and the southeast corner of a tract of land owned by J. L. Kure; thence North 86 degrees 19 minutes West along and with the dividing line between the lands of the Ethyl-Dow Chemical Company and J. L. Kure 2027.7 feet to a stone in the edge of the Cape Fear River; thence in a southwestwardly direction along and with the said eastern edge of the Cape Fear River about 1400 feet to a stone, L. C. Kure's southern line; thence with said Kure's southern line South 86 degrees 19 minutes East about 2750 feet to a stone, said stone being about 40 feet East of the eastern line of Eighth Avenue, plan of Fort Fisher Sea Beach; thence southwardly and parellel with Avenue "H" of said plan, about 705 feet to the western line of Fifty Avenue; thence southwestwardly and parallel with and along the western line of Fifth Avenue about 1640 feet to the southern line of Avenue "E"; thence southeastwardly with and along the southern line of Avenue "E"; about 1060 feet to low water mark of the Atlantic Ocean, and thence in a northeastwardly direction with and along said low water mark of the Atlantic Ocean to the point of beginning.

Town officers.

SEC. 4. The officers of said corporation shall consist of a commissioner of finance, a commissioner of public works, and a commissioner of public safety, who shall also serve as mayor, and such other officers as the commissioners may elect; and L. C. Kure, Ed Lewis and C. E. Danner are named as commissioners under this Act with authority to organize the town government and conduct the same under the provisions of this Act, and the laws of the State of North Carolina governing municipal corporations, until their successors are duly elected and qualified. All owners of lots within the town limits and all bona fide residents of said town shall have the right to vote in any election held under this Act, and shall be denominated a qualified voter, and shall have the right to vote in any election as in this Act and by the laws of the State of North Carolina provided.

Commissioners named.

Organization of government.

Persons eligible to vote in town elections.

Duties and functions of Mayor.

SEC. 5. Mayor. The mayor shall be the chief executive officer of the town, and subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the town, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the town government and shall be the chief representative of the town and shall report to the board any failure on the part

of any of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the town, unless otherwise provided by law or ordinance or resolution of the board of commissioners; he shall have charge of, and cause to be prepared and published, all statements and reports required by law or ordinance or by resolution of the board of commissioners.

Commissioner of Finance; duties and functions.

SEC. 6. Commissioner of Finance. The commissioner of finance shall be the purchasing agent of the board of commissioners of the town and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person designated by the board of commissioners; he shall be collector of all taxes; he shall collect all water rents; he shall issue license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, or in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board of commissioners to substitute some one else temporarily to perform any of such duties; he shall have control of all employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the town, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three (3) months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, if he deems it necessary, annually, the accounts of every officer or employee who does or may receive or disburse money, and he shall publish or cause to be published annually statements showing the financial condition of the town, he shall examine or cause to be examined all accounts, payrolls, and claims before they are acted on or allowed unless otherwise provided by law or by order of the board of commissioners; he shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the town; he shall report the failure on the part of any person, firm or corporation to pay money due the town, he shall report

Audits.

Collection of taxes.

to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper. The assessor, auditor, town clerk, town attorney, and their respective officers or departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of finance and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.

Employees of finance department.

SEC. 7. Commissioner of Public Works. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, and repair of the streets and public places, the erection of buildings for the town, making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the town engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and the control of the placing of billboards and street waste paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department and all persons, firms or corporations rendering service in the town or State, not otherwise assigned to some other department; he shall have control of the location of electric power lines, gas mains, telephone and telegraph wires, and all other things placed by public-service corporations in, along, under or over the streets, and shall report to the board of commissioners of city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper service under a franchise granted by the city or State, and shall report any failure on the part of such firm, or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall act for the town, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the town; he shall have supervision

Commissioner of Public Works; duties and functions.

and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the town; he shall superintend the erection of water tanks and laying of water lines and the operation thereof. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspectors and all other officers and employees of the department of sewers. The department of the town engineer and all employees therein, the department of streets, parks, buildings, and all employees in said department, shall be under the control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, and public parks in the town or belonging to the town, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

Commissioner of Public Safety; duties and functions.

SEC. 8. Commissioner of Public Safety. The commissioner of public safety (who is also mayor) shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and employees in the police department, and his direction shall be binding upon all such officers and employees; subject to the control of the board of commissioners only; he shall have charge of the police stations, jails, and property and apparatus connected therewith; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected therewith; and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic in the public streets, alleys and public ways, on and across railway lines and through and over public parks and other public places; he shall, to the extent that the same is now committed to or required of said town, subject to the board of health of the county and town, and subject to all ordinances, rules and regulations of the said board, have charge of the enforcement of all matters relating to health and sanitation within the town, except as may be in this Act otherwise prescribed. He shall be authorized to enter upon private premises for the purpose of discharging the duties hereby imposed upon him, but shall not have the right to enter a dwelling house over objection of the owner or tenant except when authorized.

Duties of each commissioner with respect to purchases.

SEC. 9. It shall be the duty of each commissioner to recommend to the town purchasing agent the purchase of goods and

the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its order with respect thereto.

Powers and duties of Board of Commissioners.

SEC. 10. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the town or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, side walks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts and no contracts shall bind or be obligatory upon the town unless either made by ordinances or resolution adopted by the board of commissioners or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts shall be drawn by the town attorney or submitted to such officer before same are made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of departments, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners in writing respecting the business of his department, officers, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, or officer, employment and such service shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the town clerk who shall be the clerk of the board of commissioner.

Tax levies; appropriations.

Assessments for public improvements.

Contracts.

Status of department heads.

Reports by department heads to Board.

Town clerk.

Commissioners; devotion to public duties.

SEC. 11. That each member of the board of commissioners shall devote such of his time and attention to the performance of the public duties herein mentioned as is necessary to fully carry out the same.

Nomination of candidates for elective officers.

SEC. 12. Nomination and Candidates. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioner or any other elective officer is to be elected under the provision of this Act, shall be nominated by the primary election and no other name shall be placed upon the general ballot except those nominated in such primary in

the manner prescribed by law. But until such general election is held, L. C. Kure, Ed Lewis and C. E. Danner are appointed under this Act to serve as commissioners until the first Tuesday in June, A. D., 1949.

Terms of initial Commissioners.

Two of the commissioners provided for in this Act, whether elected or appointed, shall be free holders and bona fide residents of New Hanover County, North Carolina.

Two commissioners required to be free holders and residents, New Hanover County.

SEC. 13. Salaries. The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be as follows: Mayor and commissioner of public safety, twenty-five dollars ($25.00) per annum; commissioner of public works and commissioner of finance, twenty-five ($25.00) dollars each per annum. Salaries shall be paid in equal monthly installments.

Salaries of Mayor and Commissioners.

SEC. 14. Nomination and Election of Commissioners. The mayor and commissioners provided for in this Act shall at the regular general election in said town on the first Tuesday after the first Monday in May, 1949, hold office for the term of two years and until his successor is elected and qualified. The commissioner of finance shall hold office for a term of two years and until his successor is elected and qualified. The commissioner of public works shall hold office for the term of two years and until his successor is elected and qualified. On the first Tuesday after the first Monday in May, 1949, and every two years thereafter, there shall be elected a successor or successors to that commissioner or commissioners whose term or terms of office shall expire in such year. All commissioners elected after the year 1949 shall hold office for a term of two years.

Terms of Mayor and Commissioners.

Election of Commissioners.

SEC. 15. Candidates for the office of mayor and commissioners, at the first election hereunder and every two years thereafter, shall be nominated at a primary election which shall be held under such laws as are now in force or may hereafter be enacted in relation to State primary elections in North Carolina, but all candidates to be nominated or elected under this Act shall be nominated and elected by electors of said town at large. If, in any primary election, any candidate shall receive a majority of all votes cast for all candidates for the particular office, such person shall be the candidate in the general election. If there be more than two candidates for a particular office and no one of such candidates shall receive a majority of the total votes cast for all candidates for such office, then the two candidates receiving the highest vote in the primary shall be candidates in the general election.

Nomination of candidates in primary election.

Determination of candidates for general election.

SEC. 16. The county board of elections of New Hanover County shall, before the beginning of the registration period

Establishment of voting precincts.

for the primary and general elections in the year 1949, and as often thereafter as may be necessary, establish and name the voting precincts in said town and define the territory covered by the respective precincts.

Notice of candidacy.

SEC. 17. No name of any person as a candidate for mayor or commissioner under this Act shall be placed upon the primary ballot unless and until at least ten days prior to the date fixed for holding such primary, a written notice for which, signed by at least five qualified voters of said town, shall have been filed with the chairman of the town board of elections.

Commencement of terms of Mayor and Commissioners.

SEC. 18. The terms of office of the mayor and commissioners elected under this Act shall begin at noon on the first Tuesday in June of the year in which they are elected, and until the beginning of the terms of office of the mayor and commissioners elected under the Act at the election to be held in the year 1949, the governing body of said town as now constituted shall continue in office.

SEC. 19. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 373 CHAPTER 907

AN ACT TO FURTHER PROTECT THE RIGHTS OF VOTERS IN HALIFAX COUNTY BY REQUIRING THE COUNTY BOARD OF ELECTIONS AND THE REGISTRAR IN EACH VOTING PRECINCT TO FURNISH EACH REGISTERED VOTER REQUESTING THE SAME AND ALL NEW VOTERS A CARD SHOWING THAT SAID VOTER IS DULY REGISTERED ON THE REGISTRATION BOOKS OF THE PRECINCT IN WHICH SAID VOTER IS DULY AUTHORIZED TO VOTE.

The General Assembly of North Carolina do enact:

Issuance of registration cards to registered voters, Halifax County.

SECTION 1. That during any registration period hereafter held in Halifax County, North Carolina, prior to any primary or general election for county officers, there shall be issued by the registrar, when requested by any duly registered voter in his or her precinct, a card showing registration of such voter in the county primary and general election registration books. This card showing registration of such elector(s) shall be in addition to and shall be taken from the present book registration of said voter now registered, and shall be issued to all new

Purpose.

voters at the time they are duly registered upon the county primary and general registration books. The registration cards herein provided for shall be issued for the sole purpose of furnishing to each registered voter written evidence of his or her registration upon the county primary and general election registration books, but without any intent or purpose of affecting the rights of such registered elector(s) to vote in any primary or general election held in Halifax County irrespective of whether at the time of offering the vote, such voter has in his or her possession such written registration card.

Presentation of card not prerequisite to right to vote.

No voter duly registered on the registration books of the precinct in which said voter is offering to vote shall be required to have the written registration card herein provided for as a prerequisite to the right to vote in any primary or general election held in Halifax County, but the presentation of such registration card by the person to whom it was issued, to the register in the precinct in which the voter is entitled to vote, shall be prima facie evidence that such person is a duly registered voter in such precinct as shown on said registration card.

Presentation of card, prima facie evidence of registration.

Duties of Halifax County Board of Elections as to issuance of registration cards.

SEC. 2. It shall be the duty of the Halifax County Board of Elections, prior to the 1948 county primary, to make the necessary arrangements with the precinct registrars for issuing the registration cards to all persons registered on the county primary and general election registration books who shall request the same. The county board of elections shall prepare and furnish to each registrar in the county the new registration cards, and shall instruct such registrars as to the manner in which such registration cards shall be filled out and issued to the persons now registered and request the same, as well as to those persons who shall thereafter register.

Form of card.

SEC. 3. The form of registration cards shall be as follows:

North Carolina
Halifax County

I, ..., registrar of .....,
(precinct)
....., Halifax County, do hereby certify
(township)
that ..... is duly registered in the
(name of registered voter)
..... Primary Registration book for this
(Democratic or Republican)
voting precinct, and in the ..... Registration
(General Election)
book of said precinct, and is entitled to vote in the Primary and general election in said precinct.

This ..... day of ....., 19.....

.....
(Registrar.)

Signing of cards.

SEC. 3a. The registration cards to be issued hereunder shall be prepared in the form set out in Section 3. Said cards shall be signed by the registrar when issued; shall be serially and consecutively numbered and shall bear the facsimile of the signature of the Chairman of the Board of Elections of Halifax County. Said cards shall be preserved in a secure place by the Chairman of the Board of Elections of Halifax County until such times as the registration books for said county shall be issued and delivered to the registrars of the several precincts of Halifax County, at which time the board of elections shall cause to be issued to the respective registrars of said precincts the number of cards necessary and sufficient to provide the new and existing registered voters with registration cards as provided for in this Act. A receipt shall be taken by the board of elections from the registrars to whom said cards are issued, which receipt shall show the quantity and numbers appearing on the cards so issued. The registrar shall note upon the registration books, opposite the name of the registered voter, the number of the registration card issued to that particular voter and also the date of issue. At the time of the return by the registrars of the registration and poll books to the county board of elections after each primary and general election, as required by law, the registrars of the several precincts of Halifax County shall fully and faithfully account for all registration cards issued to him by the county board of elections by producing all spoiled cards, if any, and furnishing the names of the voters to whom cards were issued. The cards not used or issued by the registrars in their respective precincts, shall be returned to the board of elections when the registration and poll books are delivered after every primary and general election. The registrar shall also note upon the poll books of his precinct when the registration card, provided for under the terms of this Act, was used as evidence of the registration of said voter in the voting precinct.

Preservation prior to issuance.

Distribution to registrars.

Procedure followed by registrars in issuance of cards.

Return of cards not issued.

Notation made on books by registrar when card used as evidence right to vote.

Punishment for failure of members, Board of Elections, to perform duties under Act.

SEC. 4. If the Halifax County Board of Elections shall fail, refuse or neglect to prepare and furnish to the registrars of the several precincts of Halifax County the registration cards provided for in this Act, or if said board of elections or any member thereof wrongfully or intentionally permit any of the registration cards in his custody to be wrongfully used or issued to a person not entitled to the same, the member or members of said board violating the terms and conditions of this Act as herein provided shall, upon conviction, be guilty of a misdemeanor, and punished in the discretion of the court.

Punishment of registrars for violations.

If any registrar shall fail or refuse, or if said registrar shall wilfully and knowingly issue to any person a registration card provided for in this Act without such person being lawfully entitled to have said card issued to him or her, or if

said registrar shall wrongfully misapply or deliver any of said unissued cards provided for hereunder and delivered to him by the Board of Elections of Halifax County, to any person not entitled to have the custody of the same, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

Fraudulent use of card made felony.

SEC. 5. If any person to whom such registration card was issued, or any other person, shall use the same for the purpose of fraudulently voting in any primary or general election, he shall be guilty of a felony and upon conviction shall be punished by fine or imprisonment in the State's Prison in the discretion of the court.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 383 CHAPTER 908

AN ACT TO AMEND CHAPTER 142, PRIVATE LAWS OF 1921, AND CHAPTER 63, PRIVATE LAWS OF 1924, EXTRA SESSION, RELATING TO THE PRIMARY AND ELECTION PROVISIONS FOR THE ELECTIVE OFFICERS OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Ch. 63, Private Laws, 1924, Extra Session, amended.

SECTION 1. That Section 10 of Chapter 63 of the Private Laws of 1924, Extra Session, be and the same is hereby amended to hereafter read as follows:

Elective officers, City of Durham.

ELECTIVE OFFICERS

SEC. 5. On the first Tuesday after the first Monday in May, 1947, the qualified registered voters of the City of Durham

Election of Mayor and six aldermen, May, 1947.

shall elect a mayor and shall elect from the residents of Wards Nos. 4, 2, and 6, one person each for a period of four years; and at the same time the qualified registered voters of said city shall elect three aldermen, nominated at large from the residents of the city, for a period of four years.

Terms.

Election of Mayor and six aldermen, May, 1949.

On the first Tuesday after the first Monday in May, 1949, the qualified registered voters of the city of Durham shall elect a mayor and shall elect from the residents of Wards Nos. 3, 1, and 5, one person each for a period of four years; and at the same time the qualified registered voters of said city shall

elect three aldermen, nominated at large from residents of the city, for a period of four years.

Terms.

Bi-annually thereafter on the first Tuesday after the first Monday in May there shall be elected by the qualified registered voters of the city of Durham a mayor and six aldermen to fill the places of the mayor and aldermen whose terms are expiring; the expiring term of an alderman who was nominated as a resident of a ward to be filled by the election of an alderman to be also nominated as a resident of said ward, and the expiring term of an alderman who was nominated from among the residents of the city at large to be filled by the election of an alderman to be also nominated from the residents of the city at large, so that after the election to be held in 1949, as hereinabove provided, the City Council of the City of Durham shall be composed of mayor, six aldermen, each of whom was nominated as a resident of a ward (one from each of the six wards) and elected by the qualified registered voters of the city, and six aldermen, each of whom was nominated from the residents of the city at large and elected by the qualified registered voters of said city.

Biennial elections.

Provision for staggered terms of aldermen.

At all elections provided for in this Section the person nominated as a resident of a ward receiving the highest number of votes cast for all persons nominated as residents of the same ward shall be deemed elected as the alderman from said ward, and the three persons nominated from among the residents of the city at large receiving the three highest number of votes cast for all persons nominated among the residents of the city at large shall be deemed elected as aldermen from the city at large.

Determination of election results.

The mayor shall serve for a term of only two years.

Term of Mayor.

The terms of all aldermen shall be for four years.

Terms of aldermen.

Only qualified voters of said city shall be eligible to be elected mayor and aldermen.

Eligibility for election.

Nothing herein contained shall be construed as limiting the terms of those aldermen elected before this Act becomes effective whose terms do not expire in May, 1947.

Effect of Act on terms of incumbents.

SEC. 2. That Section 6, Chapter 142 of the Private Laws of 1921 is hereby amended to hereafter read as follows:

Ch. 142, Private Laws, 1921, amended.

PRIMARY

SEC. 6. Candidate for mayor and aldermen shall be nominated by a primary election, which shall be held the second Tuesday preceding each general municipal election. The name of any candidate for mayor or alderman of the city shall be printed upon the primary ballot: *Provided*, there is filed

Nomination of candidates in primary election.

Notice of candidacy; written certificate.

with the Chairman of the Board of Elections of Durham County, not less than ten days previous to the holding of said primary election a written certificate of candidacy signed by the candidate in the same manner and form as is now required of candidates for county officers except that the candidates shall not be required to declare any party affiliation: *Provided, further,* that the said candidate shall be required to state on said certificate whether he is a candidate as a resident of the ward or a candidate from the residents of the city at large, and if he is a candidate for election as alderman from a ward the number of the ward shall be stated in said certificate: *Provided, further,* that no candidate may file certificates of candidacy both as a candidate as a resident of a ward and as a candidate from the residents of the city at large.

Printing of ballots.

Upon the expiration of the time for filing certificates of candidacy, the Chairman of the Board of Elections of Durham County shall cause to be printed a sufficient number of said primary ballots. If the number of candidates filing for the office of mayor shall not exceed two, and if the number of candidates filing for the office of aldermen from each of the six wards of said city shall not exceed in any ward twice the number of aldermen to be elected from the ward at the succeeding general municipal election, and if the number of candidates from among the residents of the city at large for the office of aldermen at large shall not exceed six, there shall be no primary election for nomination of candidates for mayor and aldermen. Under such circumstances the Chairman of the County Board of Elections shall cause the names of all the candidates to be printed on the ballots for the general municipal election as provided in Section 7.

Circumstances under which no primary held.

Form of ballots.

The ballots in the primary shall contain the names of the candidates for mayor arranged in a group alphabetically, with a square at the left of each name, and immediately above the group, shall appear the words "Vote for One"; following the names of candidates for aldermen to be nominated as residents of a ward shall appear grouped by wards in which they reside and arranged in alphabetical order, with a square at the left of each name; and following the names of candidates for aldermen from the wards, the names of candidates for aldermen to be nominated from residents of the city at large shall appear and be arranged in alphabetical order, with a square at the left of each name. In the primary election to be held the second Tuesday preceding the general municipal election of 1947, and in subsequent primary elections held under this charter, immediately above each group of candidates for aldermen as resident of such ward shall appear the words "Vote for One." In the primary election to be held the second Tuesday preceding the general municipal election of 1947 and in

subsequent primary elections held under this charter, immediately above each group of candidates for aldermen from the residents of the city at large shall appear the words "Vote for Three". The ballots shall be printed on plain, substantial, white paper and shall be headed, "Candidates for Nomination for Mayor and Aldermen of the City of Durham at the Primary Election" and at the bottom of said ballots shall be printed "Place a cross (x) in the square preceding the names of the persons you favor as candidates for the respective positions". The Chairman of the Board of Elections of Durham County shall cause to be delivered at each voting precinct a sufficient number of said primary ballots for use at said primary election. The election officers at each precinct shall, at the close of the primary election as herein provided for, count the ballots and determine the result.

Distribution of ballots.

Counting of ballots.

The two candidates receiving the highest number of votes for mayor in said primary election, as shown by the determination of the result of the primary, shall be declared the nominees for mayor and shall be the candidates and the only candidates whose names shall be placed upon the ballots for mayor at the succeeding general municipal election. The two candidates for aldermen as residents of the ward receiving the highest number of votes for aldermen from such ward, as shown by the determination of the result of the primary, shall be declared the nominees for aldermen from such wards and shall be the candidates and the only candidates for aldermen from such wards whose names shall be placed upon the ballots for aldermen from such wards at the succeeding general municipal election. The six candidates for aldermen at large receiving the highest number of votes cast for aldermen at large, as shown by the determination of the result of the primary, shall be declared the nominees for aldermen at large and shall be the candidates and the only candidates whose names shall be placed upon the ballot for aldermen at large at the succeeding general municipal election.

Determination of results in primary.

In case of a tie vote in the primary for the nomination of candidates of mayor and aldermen the nomination shall be awarded to one of the persons so tied by ballot according to a method prescribed by the existing board of aldermen or city council.

Procedure in case of tie vote.

SEC. 3. That Section 7 of Chapter 142 of the Private Laws of 1921 is hereby amended to read as follows:

Ch. 142, further amended.

ELECTION PROVISIONS

Elections.

SEC. 7. That for the purpose of conducting the general municipal election provided for herein, the Chairman of the Board of Elections of Durham County shall cause to be printed

Printing of ballots for election.

and delivered at each voting precinct a sufficient number of ballots for use, at such election, and no other ballots shall be used. There shall be printed upon said official ballots the two names of the candidates for mayor arranged alphabetically with a square at the left of each name, and immediately above shall appear the words "Vote for One"; following these names, grouped by wards and arranged in alphabetical order, shall appear the names of candidates for aldermen who were nominated in the primary as residents of the ward with a square at the left of each name, and immediately above each group shall appear the words "Vote for One"; following these names, and arranged in alphabetical order, shall appear the names of candidates for aldermen who were nominated in the primary as aldermen at large with a square at the left of each name, and immediately above said group shall appear the words "Vote for Three". Ballots shall be printed upon plain, substantial, white paper and shall be headed, "Candidates for the Offices of Mayor and Aldermen of the City of Durham". At the bottom of said ballot shall be printed, "Place a cross (x) mark in the square preceding the names of persons you favor as candidates for the respective positions." At the close of the general municipal election, as provided for herein, the election officers at each precinct shall count the ballots and report the result thereof to the Board of Elections of Durham County. The said Board of Elections of Durham County shall promptly canvass the said election and shall certify the result thereof to the governing authority of the City of Durham at 12:00 o'clock M. of the next succeeding day after the election is held.

Form of ballots in election.

Counting of ballots.

Certification of election results.

SEC. 4. Nothing in this Act shall be construed as repealing any of the provisions of Chapter 142, Private Laws of 1921 except Sections 6 and 7 thereof, or Chapter 63, Private Laws of 1924, Extra Session, except Section 10 thereof, as specifically herein set forth; and nothing contained herein shall be construed as repealing any of the provisions of Chapter 15 of the Private Laws of 1933.

Construction of Act.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 413 **CHAPTER 909**

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF SUPERIOR COURT IN LENOIR AND DUPLIN COUNTIES IN THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. § 7-70, amended, as to Superior Court terms, Lenoir and Duplin Counties.

SECTION 1. That the portions of Section 7-70 of the General Statutes of North Carolina fixing the terms of Superior Court in Lenoir and Duplin Counties in the Sixth Judicial District are hereby rewritten to read as follows:

Court terms, Lenoir County.

Lenoir County—Sixth Monday before the first Monday in March to continue for one week, for the trial of criminal cases; second Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only; seventh Monday after the first Monday in March, for the trial of criminal cases or civil cases, or both, to continue for one week; tenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; fourteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; sixteenth Monday after the first Monday in March, for one week, for the trial of criminal cases only; second Monday before the first Monday in September, to continue for one week, for the trial of criminal cases only; first Monday after the first Monday in September to continue for one week, for the trial of criminal cases, or civil cases, or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special judges of the State of North Carolina; third Monday after the first Monday in September, to continue for one week for the trial of civil cases only; eighth Monday after the first Monday in September, to continue for one week for the trial of criminal cases or civil cases, or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special Superior Court Judges of North Carolina; ninth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only.

Trial of certain civil matters at criminal term.

At all criminal terms of the Superior Court in the County of Lenoir, uncontested divorce cases may be tried and the Court may hear and determine all motions in civil matters not requiring a jury trial, and make any order, judgment or decree respecting the confirmation of judicial sales.

Court terms, Duplin County.

Duplin—Eighth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only;

fifth Monday before the first Monday in March, to continue for one week for the trial of criminal cases; first Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; fifth Monday after the first Monday in March, to continue for two weeks, the first week of which shall be for the trial of criminal cases, or civil cases, or both, and the second week for the trial of civil cases exclusively; sixth Monday before first Monday in September to continue for one week, for the trial of criminal cases only; first Monday before the first Monday in September, to continue for two weeks, for the trial of civil cases only; fourth Monday after the first Monday in September, to continue for one week for the trial of criminal cases; thirteenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only.

Trial of certain civil matters at criminal term.

At all criminal terms of the Superior Court in the County of Duplin, uncontested divorce cases may be tried and the Court may hear and determine all motions in civil matters, not requiring a jury trial and make any order, judgment or decree respecting the confirmation of judicial sales.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the 1st day of July, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 422 CHAPTER 910

AN ACT TO AMEND CHAPTER 740 OF THE SESSION LAWS OF 1945 RELATING TO TERMS OF SUPERIOR COURT IN BRUNSWICK AND PENDER COUNTIES.

The General Assembly of North Carolina do enact:

Ch. 740, Session Laws, 1945, amended, as to terms of Superior Court, Brunswick County.

SECTION 1. Section 1 of Chapter 740 of the Session Laws of 1945 is hereby amended by striking out lines 11 and 12 under the heading "Brunswick County" on page 1038 of the Session Laws of 1945 which read, "Beginning on the first Monday after the first Monday in September a term of one week for the trial of civil cases only," and substituting in lieu thereof the words:

Beginning on the second Monday after the first Monday in September a term of one week for the trial of civil cases only.

SEC. 2. Section 1 of Chapter 740 of the Session Laws of 1945 is further amended by striking out the last three lines on page 1039 of the Session Laws of 1945 under the heading "Pender County" which read, "Beginning on the second Monday after the first Monday in September a term of one week for the trial of criminal cases only," and substituting in lieu thereof the words: Ch. 740, further amended, as to terms of Superior Court, Pender County.

Beginning on the first Monday after the first Monday in September a term of one week for the trial of criminal cases only.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 435 **CHAPTER 911**

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF FRANKLINTON UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commisioners of the Town of Franklinton may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Franklinton and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under the provision of this Act. Authority to hold election on question of liquor stores, Franklinton. Effect of results of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new regis- Notice of election. Registration.

tration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store," "Against Town Liquor Control Store." Those favoring setting up and operating liquor store in the Town of Franklinton shall mark in the voting square to the left of the words "For Town Liquor Control Store" printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "Against Town Liquor Control Store ." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for Members of the General Assembly.

Form of ballots.

Conduct of election.

Liquor control store to be closed, upon vote against store operation, in later election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Franklinton in force and effect prior to the authorization to operate town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store." No election shall be called and held in the Town of Franklinton under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Franklinton to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Franklinton general election or primary election, or within thirty (30) days of any such election.

Disposal of property.

Application of laws regulating sale of intoxicants, upon discontinuance of store.

Limitation of time between elections.

Time of special liquor election.

Authority to create Board of Alcoholic Control.

SEC. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Franklinton shall immediately create a town board of alcoholic control to be com-

posed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Franklinton Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Official name of board.

Appointment and terms of Chairman and other members.

Vacancies filled.

SEC. 5. The said Town of Franklinton Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Franklinton Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Franklinton Board of Alcoholic Control.

Powers and duties of board.

SEC. 6. The net profits derived from the operation of liquor control store in the Town of Franklinton shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose.

Use of net profits from liquor store.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 455 **CHAPTER 912**

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF DURHAM COUNTY, NORTH CAROLINA, TO FIX THE SALARIES OF THE ASSISTANT JUDGE AND ASSISTANT PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Authority of Durham County Commissioners to fix salaries of Assistant Judge and Assistant Prosecutor, Recorder's Court.

SECTION 1. That the Board of County Commissioners of Durham County, North Carolina, is hereby vested with the power and authority to fix the salaries of the Assistant Judge and the Assistant Prosecuting Attorney of the Recorder's Court of Durham County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 463 **CHAPTER 913**

AN ACT PROHIBITING THE SALE OF WINE OR BEER WITHIN ONE QUARTER OF A MILE OF WESTFORD METHODIST CHURCH OR HARTSELL SCHOOLHOUSE IN NO. 11 TOWNSHIP OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Sale of wine and beer within specified locality, Cabarrus County, prohibited.

SECTION 1. It shall be unlawful to sell, offer for sale, or possess for the purpose of sale any wine or beer whatsoever within one quarter of a mile of Westford Methodist Church or Hartsell Schoolhouse in No. 11 Township of Cabarrus County.

Violations made misdemeanor.

SEC. 2. Violation of any provision of this Act shall constitute a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the courts.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 91 **CHAPTER 914**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES RELATING TO FRANCHISE HAULERS AND FRANCHISE BUS CARRIERS UNDER THE MOTOR VEHICLE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 20-64 (c) of the General Statutes be amended by adding the following proviso to the end of said Subsection: G. S. § 20-64 (c), amended.

Provided, however, if the owner of franchise hauler or franchise bus plates sells out his entire fleet and rights to another who licenses all the vehicles in North Carolina in his name for the same license year, such owner of the franchise hauler or franchise bus plates may secure a refund for the unexpired portion of such plates on a monthly basis beginning the first day of the month following such sale if there is any credit remaining over and above any 6% gross receipts tax due. Refund, unexpired part of franchise hauler or bus plates tax, on sale of entire rights to another who licenses vehicles in N. C.

SEC. 2. That Section 20-91 (d) of the General Statutes be amended in line 3 thereof after the word "reports" and before the word "as" by adding the following words, "or pay tax due." G. S. § 20-91 (d), amended.

SEC. 3. That Section 20-95 of the General Statutes be amended after the word "except" in line 3 thereof by striking out the following words, "franchise haulers and." G. S. § 20-95, amended.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after January 1st, 1948. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 112 **CHAPTER 915**

AN ACT TO AMEND GENERAL STATUTES 153-49 RELATING TO THE MAINTENANCE OF JAILS AND TO PROVIDE FOR ITS MORE EFFECTIVE ADMINISTRATION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 153 of the General Statutes of North Carolina shall be amended by inserting after Section 153-49 another Section to read as follows: G. S., Ch. 153, amended, relating to jails.

153-49.1. Inspection of Jails.

Inspection of jails by State Board of Public Welfare; consultation with local officials.

(a) The State Board of Public Welfare is hereby authorized and directed to consult regularly with an advisory committee of sheriffs and police officers regarding the personal safety, welfare, and care of the inmates incarcerated in county and municipal jails and city lock-ups, taking into account variations in the financial ability of cities and counties to maintain up-to-date facilities for prisoners. It shall be the duty of the State Board of Public Welfare through its officers or agents to inspect periodically and regularly each and every county or district jail and all municipal jails or lock-ups in order to safeguard the welfare of the prisoners kept therein and in connection with said inspections to consult with the governing bodies of the local units.

Written reports of adverse findings to local governing body concerned.

(b) In the event that such inspections of jails and lock-ups disclose inadequate care or mistreatment of prisoners, or disclose that prisoners are being confined therein under conditions in violation of Chapter 153, such findings shall be reported in writing to the governing body of the county or municipality concerned, which governing body shall at its next meeting fully consider the report and consult with the person making such report and findings and take such action with reference to the report and findings as may be found proper and necessary.

Report to Judge of Superior Court upon failure of governing body to correct conditions.

Grand Jury action.

(c) In the event such governing body fails to take action to correct the conditions reported, it shall be the duty of the State Board of Public Welfare to present such matters to the attention of the Judge of the Superior Court presiding at the next criminal court in the county in which such jail or lock-up is located to the end that such Superior Court Judge may direct the grand jury of such county to inspect the jail or lock-up described in such report, and present its findings and recommendations to the court at said term.

Authority of Judge to require compliance with Grand Jury report.

(d) If conditions in said jail or lock-up continue not to be corrected within a reasonable time after such notice to the grand jury, then the Judge of the Superior Court in his discretion may require immediate compliance with the report of the grand jury. For such purpose the court may convene at any time and place within the judicial circuit in chambers or otherwise. The proceeding shall be without jury and the hearings may be summarily or upon such notice as the court may prescribe.

Power of Judge to prohibit confinement of prisoners in jail pending compliance.

(e) Pending a substantial compliance with the report and recommendations of the grand jury, the Judge of the Superior Court shall have full power and authority under this Section to refuse to allow prisoners to be placed in any jail or lock-up not deemed fit and may direct that any persons coming before him and being convicted of criminal offenses shall be confined

only in a jail or lock-up that is deemed a proper place in which to confine prisoners.

SEC. 2. This Act shall be in full force from and after January 1st, 1948. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 259 CHAPTER 916

AN ACT TO REWRITE SECTION 60-64 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE DEFINITIONS OF THE WORD "EMPLOYEE".

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 60-64 of the General Statutes of North Carolina by rewriting said Section so that the same shall hereafter read as follows: G. S. § 60-64, rewritten.

SEC. 60-64. Common carrier defined; Employee defined. The term "common carrier" as used in this Article, shall include the receiver or receivers, or other persons or corporations charged with the duty of the management of the business of a common carrier. The term "employee" or "servant" as used in this Article shall include any person carried on the pay roll of such railroad company and required to be on its property regardless whether such person is receiving compensation at the time or not. "Common carrier" defined. "Employee" or "servant" defined.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. The public interest requires that this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 278 **CHAPTER 917**

AN ACT TO CREATE A COMMISSION FOR THE PURPOSE OF ACQUIRING CERTAIN PROPERTY ADJOINING THE MOORE'S CREEK NATIONAL MILITARY PARK IN PENDER COUNTY, AND APPROPRIATING $500.00 THEREFOR.

The General Assembly of North Carolina do enact:

Commission created to acquire lands adjacent to Moore's Creek National Military Park, Pender County.

Appointment and terms of members.

Authority to acquire lands.

Description of land.

SECTION 1. There is hereby created a commission for the sole purpose of acquiring for the State of North Carolina certain lands adjacent to the Moore's Creek National Military Park in Pender County, to be dedicated as a public park. The said commission shall consist of three members to be appointed by the Governor and to serve at his pleasure. The said commission is hereby authorized and empowered to purchase and acquire in the name of the State of North Carolina fee simple titles to the following lands: Tract No. 1, consisting of 12.23 acres, more or less, from the tract known as the Henry Tract; Tract No. 2, consisting of 8 acres, more or less, from the tract known as the Fred Simpson Tract, a total of 20.23 acres, more or less.

State appropriation for acquisition of lands.

SEC. 2. There is hereby appropriated the sum of five hundred dollars ($500.00) to be applied and expended by the said commission, with the approval of the Director of the Budget, in acquiring in the name of the State of North Carolina fee simple title to the lands described in Section 1 of this Act, free and clear of all encumbrances.

Disposition of unexpended appropriations.

SEC. 3. In the event the commission is unable to acquire title to the lands described in Section 1 of this Act within two years from the date of the appointment of the commission, or in the event the total amount required to acquire such title shall be less than the appropriation provided in Section 2 of this Act, then the unexpended appropriation or any unexpended portion thereof shall revert to the State Treasury.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 309 **CHAPTER 918**

AN ACT TO MAKE CHAPTER 1076 OF THE SESSION LAWS OF 1945, ENTITLED "AN ACT TO PROHIBIT THE SALE OF WINE IN RUTHERFORD, MONTGOMERY, CHATHAM, MOORE, BUNCOMBE, CASWELL, DUPLIN AND RICHMOND COUNTIES," APPLICABLE TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 1076, Session Laws, 1945, regulating sale of wine, amended; law made applicable to Rockingham County.

SECTION 1. That Chapter 1076 of the Session Laws of 1945 be amended by adding in Section 1 thereof, after the word "Duplin," the word "Rockingham."

SEC. 2. That said Chapter be further amended by adding in Section 2 thereof, after the word "Duplin," the word "Rockingham."

SEC. 3. That said Chapter be further amended by adding in Section 3 thereof, after the word "Duplin," the word "Rockingham."

SEC. 4. That said Chapter be further amended by adding in Section 5 thereof, after the word "Duplin," the word "Rockingham."

Notice of intended action under Act.

SEC. 5. No resolution shall be adopted or action taken hereunder until thirty (30) days public notice has been given of such intended action or adoption of resolution.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 409 **CHAPTER 919**

AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS TO ASSURE THE PERMANENCY OF THE ROANOKE ISLAND HISTORICAL ASSOCIATION, INCORPORATED, WHICH PRODUCES "THE LOST COLONY" EACH SUMMER AT FORT RALEIGH ON ROANOKE ISLAND.

Preamble:

Purpose of Roanoke Island Historical Association, Inc.

WHEREAS, Roanoke Island Historical Association, Incorporated, a nonprofit organization incorporated under the laws of North Carolina, is an organization formed for the purpose of preserving historical relics, memorials, scenes and places incident to or connected with the First Colony founded in the New World on Roanoke Island, and in commemorating the historical events having their setting in that section of the State; and

Historical facts concerning Roanoke Island.

WHEREAS, Roanoke Island is the site of the first English Colony in the New World, the birthplace of the first child of English parents in America and the scene of the first religious sacrament by English speaking people in the New World; and

Results of production of "The Lost Colony."

WHEREAS, Roanoke Island Historical Association, Incorporated, began in 1937 to produce each summer Paul Green's "The Lost Colony", an historical drama which has brought hundreds of thousands of visitors to the State and has advertised North Carolina and its early history to the Nation and to the World; and

Drama of state-wide significance.

WHEREAS, the drama and the events it commemorates are of State-wide and not merely of local significance; and

State advertising policy.

WHEREAS, the State is committed to a policy of advertising its advantages, attractions and resources to other states of the Nation and throughout the World; and

Plan and purpose of organization educational.

WHEREAS, the plan and purpose of the said organization are distinctly educational, particular emphasis being given to the early history of the State; and

Anticipated results of continued activities of association.

WHEREAS, the continued preservation of The Lost Colony and the continued activities of Roanoke Island Historical Association, Incorporated, will effectively serve to create and preserve among the people of the State a justifiable pride in their history and will thereby serve a worthy and important State as well as National purpose; and

Association placed under patronage and control of State.

WHEREAS, the Association has been placed under the patronage and control of the State; and

WHEREAS, the drama, "The Lost Colony" was produced in the summer of 1946 with marked success, and the collections

realized from admission fees were adequate to finance the actual production, but are not adequate to preserve, improve and rehabilitate the structures on the grounds at Fort Raleigh; and

Receipts from 1946 production of "The Lost Colony" not sufficient for improvements, etc.

WHEREAS, it is desired to make the annual production of "The Lost Colony" an even greater attraction, to gain National recognition, and to assure its success for many years in the future: Now, therefore,

Aspiration for future success of drama.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby appropriated out of the General Fund of the State the sum of twenty-five thousand dollars ($25,000.00) to Roanoke Island Historical Association, Incorporated, for the purpose of preserving, improving, rehabilitating, constructing and extending structures on the grounds used by the Association at Fort Raleigh on Roanoke Island for the production of "The Lost Colony."

Appropriation to Roanoke Island Historical Association, Inc.

Purpose.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 402 CHAPTER 920

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO DETERMINE WHETHER OR NOT FOXES OR OTHER GAME MAY BE IMPORTED INTO RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Randolph County is hereby authorized and empowered to hold within ninety (90) days from the ratification of this Act a public hearing, after giving thirty (30) days' notice of such hearing, to determine the will of the people as to the importation of foxes and other game into Randolph County. After having held such hearing, the board of county commissioners is authorized and empowered to control, regulate, or prohibit the importation of foxes and other game into Randolph County.

Public hearing of question of importation of foxes, etc., Randolph County.

Power of County Commissioners to regulate importation of foxes, etc.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 421 CHAPTER 921

AN ACT TO AMEND ARTICLE I CHAPTER 28 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ADMINISTRATION OF ESTATES OF MISSING PERSONS.

The General Assembly of North Carolina do enact:

G. S., Ch. 28, Art. 1, amended, relating to estates of missing persons.

SECTION 1. That Article 1 of Chapter 28 of the General Statutes of North Carolina be and the same is hereby amended by adding a new Section following Section 28-2 to be numbered 28-2.1 to read as follows:

Appointment of administrator for estates of persons missing for seven years.

SEC. 28-2.1. When it shall be made to appear to the satisfaction of the Clerk of the Superior Court, or a Judge of the Superior Court, having jurisdiction of the appointment of executors and administrators, by special proceedings as prescribed in G. S. Sec. 28-167, that any person has disappeared from the community of his residence, and his whereabouts remain unknown in such community for a period of seven years or more and cannot after diligent inquiry be ascertained by those most likely to have heard from or of him; and that such person has property or property rights within its jurisdiction, which may be affected by his absence or may need protection and administration, and that such person has made no provision for the management of his affairs or the administration of his estate in the event of his death; such Clerk of the Superior Court, or Judge of the Superior Court, may appoint an administrator of the estate and property, both real and personal, of such absent person, as may be done in the case of decedents, and with like powers and duties with respect to said estate, and shall include both real and personal property, and the laws of distribution and inheritance shall apply to the assets of the said estate to be administered under and by virtue of this statute.

Application of distribution and inheritance laws.

County of last known residence, place of jurisdiction.

The Clerk of the Superior Court of the county of the last known residence of such absent person, shall have jurisdiction over such decedent's estate.

Powers and duties of administrator.

The administrator so appointed shall have all the powers and duties with respect to the property and estate of such missing person as are now or may be hereafter conferred by law upon administrators generally; and before entering upon the

discharge of the duties of such administration he shall be required to enter into such bond as is now required by law in the matter of administration of estates of deceased persons, with the additional requirement that such bond shall include as a basis the value of all real estate or interest in real estate in addition to the value of the personal property of the estate committed to his charge. Bond.

The public laws relating to the administration of the estates of decedents, including the laws relating to the distribution of personal property and the devolution of real estate, shall apply to the estates of such missing persons. Application of laws relating to administration of decedents' estates.

No action shall be maintained against such administrator, or the sureties on his bond, by reason of his appointment and taking over the administration of such estate, or any of his acts with reference to said estate, where it appears they were done under authority of this Act, except for failure to administer said estate as is now provided under G. S. Chapter 28. Restrictions as to actions against administrator or sureties.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 422 **CHAPTER 922**

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE LICENSING OF INSURANCE AGENTS, BROKERS AND ADJUSTERS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 58 of the General Statutes of North Carolina be amended as follows: G. S., Ch. 58, amended.

(1) Insert the following new Sections: Definitions.

SEC. 58-39.4. Definitions.—1. An "insurance agent" is hereby defined to be an individual designated in writing by any insurance company lawfully licensed to do business in this State, to act as its agent, with authority to solicit, negotiate and effect contracts of insurance in its behalf, to collect the premiums thereon, or to do any of such acts. "Insurance agent."

2. An "insurance broker" is hereby defined to be an individual who, being a licensed agent, procures insurance through a duly authorized agent of an insurer for which the broker is not authorized to act as agent. "Insurance broker."

"General agent."

3. A "general agent" is hereby defined to be an individual designated in writing by an insurance company lawfully licensed to do business in this State to act for it as agent or manager and with additional authority to appoint, designate or supervise local agents within a specified territory.

"Special agent."

4. A "special agent" is hereby defined to be an individual other than an officer, manager, or general agent of the insurer, employed by an insurer or general agent to work with and assist agents in soliciting, negotiating, and effectuating insurance in such insurer or in the insurers represented by the general agent.

"Insurance adjuster."

5. An "insurance adjuster" is hereby defined to be any person, who for compensation, fee or commission as an independent contractor, or as an employee of an independent contractor, or as an employee of an insurer, investigates or reports to his principal relative to claims arising under insurance contracts other than life, annuity, health or accident, on behalf solely of either the insurer or the insured. An attorney at law who adjusts insurance losses from time to time incidental to the practice of his profession, or an adjuster of marine losses, is not deemed to be an "adjuster" for the purpose of this Chapter.

Attorney adjusting losses incidental to law practice, not "adjuster."

Insurance brokers required to procure license.

SEC. 58-40.1. Insurance brokers must procure license. Every insurance broker shall be required to obtain annually from the commissioner a license under the seal of his office, showing that he is authorized to procure insurance through duly authorized agents of insurers for which he is not authorized to act as agent. Such license shall be issued to cover only those kinds of insurance authorized by his agent's license. Every such broker shall, on demand, exhibit his license to any representative of the insurance department or to any person from whom he shall solicit insurance.

Bond required of brokers.

SEC. 58-40.2. Bond required of brokers.—1. Every applicant for a resident broker's license or for the renewal thereof shall file with the application and shall thereafter maintain in force while so licensed a bond in favor of the State of North Carolina for the use of aggrieved parties, executed by an authorized corporate surety approved by the commissioners, in the amount of five thousand dollars ($5,000.00). The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of five thousand dollars ($5,000.00). The bond shall be conditioned on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith.

Condition of bond.

2. Any such bond shall remain in force until the surety is released from liability by the commissioner, or until the bond is cancelled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

Continuance of bond until release or cancellation.

SEC. 58-40.3. Broker's authority and commissions.—1. A broker, as such, is not an agent or other representative of an insurer, and does not have power, by his own act, to bind an insurer for which he is not agent upon any risk or with reference to any insurance contract.

Authority of broker.

2. An insurer or agent shall have the right to pay to a broker licensed under this Chapter, and such broker shall have the right to receive from the insurer or agent, the customary commissions upon insurance placed in the insurer by the broker.

Right to commissions.

(2) Strike out the caption and the first paragraph of Section 58-41 and insert in lieu thereof the following:

G. S. § 58-41, amended.

SEC. 58-41. Agent's and adjuster's qualifications. Before a license is issued to an insurance agent, general agent, or adjuster in this State, the agent, general agent or adjuster and the company for which he desires to act shall apply for the license on forms to be prescribed by the commissioner; and before he issues a license to such agent, general agent or adjuster, the commissioner shall satisfy himself that such license, if issued, shall serve the public interest and that the person applying for license as an agent, general agent or adjuster

Qualifications of agent, general agent, adjuster.

(a) be twenty-one years of age or over;

(b) be a bona fide resident of and actually reside in this State, except as provided in Sections 58-43 and 58-51.2;

(c) successfully pass an examination as required under Section 58-41.1;

(d) be a trustworthy person;

(e) has not wilfully violated any of the insurance laws of this State;

(f) has had special education, training or experience of sufficient duration and extent reasonably to satisfy the commissioner that he possess the competence necessary to fulfill the responsibilities of an agent, general agent or adjuster.

(3) Insert the following new Sections:

G. S., Ch. 58, amended; new sections added.

SEC. 58-41.1. Examination for license.—1. Each applicant for license as agent, general agent or adjuster shall, prior

Examination for license as, agent, adjuster, etc.

to the issuance of any such license, personally take and pass to the satisfaction of the commissioner an examination in writing given by the commissioner as a test of his qualifications and competence; but this requirement shall not apply to:

Certain applicants not required to take examination.

(a) applicants for license under Section 58-41.2 and as agents for companies or associations specified in Section 58-131.9;

(b) applicants who have, within the three year period next preceeding date of application, not including time spent in military service of the United States during war, been licensed in this State in the same capacity and to engage in the same kinds of insurance for which they were previously licensed;

(c) applicants for an agent's, general agent's or adjuster's license covering the same kinds of insurance as authorized by the license then held by them except as provided in paragraph 2 of this Section;

(d) applicants for license to write ocean marine insurance whenever the commissioner deems the applicant to be qualified by past experience to deal in such insurance.

Authority of Commissioner to require examination for continuance or renewal of license.

2. The commissioner may require any licensed agent, general agent or adjuster to take and successfully pass an examination in writing, testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of any violation of any provision of this Chapter. If a person fails to pass such an examination, the commissioner shall revoke all licenses issued in his name and no license shall be issued until such person has successfully passed an examination as provided in this Chapter.

Nature and scope of examination.

3. Each examination shall be as the commissioner prescribes and shall be of sufficient scope to test the applicant's knowledge of the terms and provisions of the policies or contracts of insurance he proposes to effect or types of claims or losses he proposes to adjust, and of the duties and responsibilities of and the laws of this State applicable to such a license.

Conduct of examinations.

Waiting period before taking new examination by applicant failing.

4. The answers of the applicant to any such examination shall be written by the applicant under the commissioner's supervision. The commissioner shall give examinations at such times and places within this State as he deems necessary reasonably to serve the convenience of both the commissioner and applicants. The commissioner shall require a waiting period of at least ninety days' duration before giving a new examination to an applicant who has failed to pass a previous similar examination.

5. The commissioner shall collect in advance the examination fee provided in Section 105-228.7. Examination fee; advance collection.

SEC. 58-41.2. Limited license.—1. The commissioner may issue limited licenses as travel insurance agents to employees of common carriers of persons, or to individuals or employees of persons engaged in selling transportation on such common carriers. Issuance of limited license as travel insurance agent.

2. Travel insurance agents are restricted to the sale of insurance to individuals entitled to transportation on a common carrier, as follows: Restrictions upon travel insurance agents.

(a) transportation ticket policies of accident insurance;

(b) baggage insurance on the personal effects of such individuals while in transit.

SEC. 58-41.3. Temporary license.—1. The commissioner may issue an agent's, general agent's or broker's temporary license in the following circumstances: Issuance of temporary license.

(a) to applicants for licensing as agent of a life insurer pending the passing of the examination provided for in Section 58-41.1;

(b) to the personal representative of a deceased licensed agent, general agent, or broker, or to his surviving spouse or to some other proper person in case the personal representative or surviving spouse does not apply or is not qualified therefor;

(c) to an employee, legal guardian or spouse of a licensed agent, general agent or broker becoming disabled because of sickness, insanity or injury, or to some other proper person.

2. An individual to be eligible for any such temporary license must be qualified as for a permanent license except as to experience, training or the taking of the examination. Eligibility requirements for temporary license.

3. The fee paid to the commissioner for issuance of a temporary license as specified in Section 105-228.7 shall be credited toward the fee required for a permanent license which is issued to replace the temporary license prior to the expiration of such temporary license. Credit of fee paid for temporary license on fee for permanent license.

4. No such temporary license shall be effective for more than ninety days in any twelve month period and shall automatically terminate upon such licensee's failing the examination required in Section 58-41.1. The commissioner may refuse so to license again any person who has previously held a temporary license. Effective period of temporary license.

5. An individual requesting a temporary license on account of death or disability of an agent, general agent or broker Restriction as to extent of temporary license.

shall not be so licensed for any insurer as to which such agent, general agent or broker was not licensed at the time of death or commencement of disability.

G. S. § 58-42, rewritten.

(4) Strike out Section 58-42 and insert in lieu thereof the following:

Revocation of license of agent, adjuster, broker, etc.

Grounds.

SEC. 58-42. Revocation of license.—When the commissioner is satisfied that any insurance agent, general agent, special agent, adjuster, broker or non-resident broker licensed by this State has wilfully violated any of the insurance laws of this State, or has wilfully over-insured property or has wilfully misrepresented any policy of insurance, or has dealt unjustly with or wilfully deceived any person in regard to any insurance policies, or has exercised coercion in obtaining an application for or in selling insurance, or, on demand, has failed or refused to pay over or deliver to the company which he represents, or has represented, any money or property in his hands belonging to the company, or has become in any way disqualified according to any of the provisions necessary for obtaining or holding such license as set out in this Chapter, or has obtained or attempted to obtain any license through wilful misrepresentation or fraud, the commissioner may immediately suspend his license or licenses and shall forthwith give to such licensee ten days' notice of the charge or charges and of a hearing thereon, and if the commissioner finds there has been any of the violations hereinbefore set forth, he shall specifically set out such findings and shall revoke the license of such agent, general agent, special agent, adjuster, broker or non-resident broker for all the companies which he represents in this State. Such agent, general agent, special agent, adjuster, broker or non-resident broker shall have the right to have such revocation reviewed as provided in Section 58-9.3. For the purposes of investigation under this Section the commissioner shall have all the power conferred upon him by Section 58-44.4.

Action by Insurance Commissioner.

Right to have revocation reviewed.

Commissioner's power of investigation.

G. S. 58-43, amended.

(5) Amend Section 58-43 by inserting in line two after the word "licensed" the words "as an agent".

G. S. § 58-44.1, rewritten.

(6) Strike out Section 58-44.1 and insert in lieu thereof the following:

Payment of commissions by agents to non-residents or unlicensed persons, prohibited.

SEC. 58-44.1. Agents not to pay commissions to non-residents or unlicensed persons.—No licensed agent of any insurer shall pay directly or indirectly, any commission or brokerage or other valuable consideration on account of any policy of insurance on any risk in this State to any person not licensed in this State to act as agent for the same kind of insurance, provided however that with respect to the kinds of insurance as defined in Subsections 3 to 22 inclusive of Section 58-72 an agent may pay to a licensed non-resident broker not ex-

Exception: commissions to licensed non-resident broker.

ceeding fifty per centum (50%) of the regular commissions allowed upon the issuance of such policies.

(7) Amend Section 58-45 by striking out in lines 1 and 2 the words "An insurance agent" and insert in lieu thereof the words "Any agent representing an insurer." G. S. § 58-45, amended.

(8) Amend Section 58-46 by striking out in line 1 the words "An insurance" and inserting in lieu thereof the word "Any". G. S. § 58-46, amended.

(9) Amend Section 58-48 by striking out in lines 1 and 2 the words "If any agent of any insurance company" and inserting in lieu thereof the words "If any agent representing an insurer or any broker". G. S. § 58-48, amended.

(10) Amend Section 58-49 by striking out in line 2 the word "solicitor". G. S. § 58-49, amended.

(11) Amend Section 58-50 by inserting at the end thereof the following words: *Provided, however,* that transportation ticket policies of accident insurance, and baggage insurance policies may be countersigned in blank for issuance only through coin operated machines, subject to regulations prescribed by the commissioner". G. S. § 58-50, amended, as to transportation ticket policies.

(12) Insert the following new Sections: New sections.

SEC. 58-51.1. Agent may adjust.—On behalf and on request of an insurer for which he is licensed, any agent may from time to time act as an adjuster and investigate and report upon claims without being required to be licensed as an adjuster. Authority of agent to act as adjuster.

SEC. 58-51.2. Non-resident adjuster.—The commissioner may license a non-resident as an insurance adjuster upon his compliance with all the requirements of this Chapter applicable to resident adjusters. No license shall be required of an adjuster licensed as such in another state for the adjustment in this State of a single loss, or of losses arising out of a catastrophe common to all such losses. Non-resident adjusters.

SEC. 58-52.1. Process against non-resident licensees.—1. Each licensed non-resident agent, adjuster or broker shall by the act of acquiring such license thereby be deemed to appoint the commissioner as his attorney to receive service of legal process issued against the agent, adjuster or broker in this State upon causes of action arising within this State. Process against non-resident licensees. Insurance Commissioner made process agent.

2. The appointment shall be irrevocable for as long as there could be any cause of action against the agent, adjuster or broker arising out of his insurance transactions in this State. Extent of appointment as process agent.

Service of process.

3. Duplicate copies of such legal process against such agent, adjuster or broker shall be served upon the commissioner either by a person competent to serve a summons, or through registered mail. At the time of such service the plaintiff shall pay to the commissioner a fee of one dollar ($1.00), taxable as costs in the action to defray the expense of such service.

Commissioner's duties after service of process.

4. Upon receiving such service, the commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the defendant agent, adjuster or broker at his last address of record with the commissioner.

Records kept by Commissioner.

5. The commissioner shall keep a record of the day and hour of service upon him of all such legal process. No proceedings shall be had against the defendant agent, adjuster or broker, and such defendant shall not be required to appear, plead or answer until the expiration of forty days after the date of service upon the commissioner.

Time for appearance, pleading, etc.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Partial invalidity provision.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after January 1st, 1948.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 423 CHAPTER 923

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO MERGERS, REHABILITATION AND LIQUIDATION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

G. S., Ch. 58, amended; new article added.

SECTION 1. Chapter 58 of the General Statutes of North Carolina be amended by inserting a new Article as follows:

Mergers, rehabilitation, etc., of insurance companies.

Art. 17A. Mergers, Rehabilitation and Liquidation of Insurance Companies.

SEC. 58-155.1. Merger or consolidation.

Provision for merger or consolidation.

1. Subject to the provisions of Sections 58-103 and 58-104,

relating to the mutualization of stock insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

Advance approval of plan by Commissioner.

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

Basis for approval of plan.

(b) The commissioner shall not approve any such plan unless, after a hearing, he finds that it is fair, equitable to policyholders, consistent with law, and will not conflict with the public interest. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing.

Upon disapproval, reasons stated.

Restrictions as to receipt of promotion fees, etc., by directors, etc.

(c) No director, officer, member or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatever, for in any manner aiding, promoting or assisting in the merger or consolidation.

Application of general laws governing business corporations.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations, except that the merger or consolidation of a domestic mutual insurer may be effected by vote of two-thirds of the members voting thereon pursuant to such notice and procedure as the commissioner may prescribe.

Reinsurance of substantially all insurance in force by another company, deemed consolidation.

2. Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer under an agreement whereby the reinsuring company succeeds to all of the liabilities of and supplants the domestic insurance company thereon shall be deemed a consolidation for the purpose of this Section.

SEC. 58-155.2. Grounds for rehabilitation.

Grounds for rehabilitation of domestic insurer.

The commissioner may apply for an order directing him to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

(a) is insolvent; or

(b) has refused to submit its books, records, accounts or affairs to examination by the commissioner; or

(c) has failed to comply with the commissioner's order to make good an impairment of capital of a stock insurer or an impairment of surplus of a mutual or reciprocal insurer, within the time prescribed; or

(d) has transferred or attempted to transfer substantially

its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the commissioner; or

(e) is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or its creditors, or to its members, subscribers, or stockholders, or to the public; or

(f) has wilfully violated its charter; or

(g) has an officer, director, or manager who has refused to be examined under oath, concerning its affairs; or

(h) has been the subject of an application for the appointment of a receiver, trustee, custodian or sequestrator of the insurer or of its property, or if a receiver, trustee, custodian, or sequestrator is appointed by a federal court or if such appointment is imminent; or

(i) has consented to such an order through a majority of its directors, stockholders, members, or subscribers; or

(j) has failed to remove from office any officer or director whom the commissioner has found, after notice to and hearing of such insurer and such officer or director, to be a dishonest or untrustworthy person; or

(k) has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

Order of rehabilitation.

SEC. 58-155.3. Order of rehabilitation; termination.

1. An order to rehabilitate a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer and to conduct the business thereof, and to take such steps toward removal of the causes and conditions which have made rehabilitation necessary as the court may direct.

Application for order of liquidation.

2. If at any time the commissioner deems that further efforts to rehabilitate the insurer would be useless, he may apply to the court for an order of liquidation.

Application for order terminating rehabilitation proceeding.

3. The commissioner, or any interested person upon due notice to the commissioner, at any time may apply for an order terminating the rehabilitation proceeding and permitting the insurer to resume possession of its property and the con-

duct of its business, but no such order shall be granted except when, after a full hearing, the court has determined that the purposes of the proceedings have been fully accomplished.

Granting of order; hearing.

SEC. 58-155.4. Grounds for liquidation.

Grounds for liquidation.

The commissioner may apply for an order directing him to liquidate the business of a domestic insurer or of the United States branch of an alien insurer having trusteed assets in this State, regardless of whether or not there has been a prior order directing him to rehabilitate such insurer, upon any of the grounds specified in Section 58-155.2 or upon any one or more of the following grounds: That the insurer

(a) has ceased transacting insurance for a period of one year; or

(b) has commenced voluntary liquidation or dissolution, or attempts to commence or prosecute any action or proceeding to liquidate its business or affairs, or to dissolve its corporate charter, or to procure the appointment of a receiver, trustee, custodian, or sequestrator under any law except this Chapter; or

(c) has not organized or completed its organization and obtained a certificate of authority as an insurer.

SEC. 58-155.5. Order of liquidation.

Order of liquidation; contents.

An order to liquidate the business of a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer, to liquidate its business, to deal with the insurer's property and business in his own name as commissioner or in the name of the insurer as the court may direct, to give notice to all creditors who may have claims against the insurer to present such claims, and to dissolve the insurer.

SEC. 58-155.6. Liquidation of alien insurers.

Liquidation of alien insurers.

An order to liquidate the business of the United States branch of an alien insurer having trusteed assets in this State shall be in the same terms as those prescribed for domestic insurers, except that only the assets in this State of the business of such United States branch shall be included therein.

SEC. 58-155.7. Conservation of assets of foreign insurer.

Conservation of assets of foreign insurer.

The commissioner may apply for an order directing him to conserve the assets within this State of a foreign insurer upon any one or more of the following grounds:

(a) Upon any of the grounds specified in paragraphs (a) to (i) inclusive of Section 58-155.2, and in paragraph (b) of Section 58-155.4.

(b) That its property has been sequestrated in the state of its domicile or in any other jurisdiction.

Conservation of assets of alien insurers.

SEC. 58-155.8. Conservation of assets of alien insurers.

The commissioner may apply for an order directing him to conserve the assets within this State of an alien insurer upon any one or more of the following grounds:

(a) Upon any of the grounds specified in paragraphs (a) to (i) inclusive of Section 58-155.2, and in paragraph (b) of Section 58-155.4; or

(b) that the insurer has failed to comply, within the time designated by the commissioner, with an order of the commissioner pursuant to law to make good an impairment of its trusteed funds; or

(c) that the property of the insurer has been sequestrated in its domiciliary sovereignty or elsewhere.

SEC. 58-155.9. Order of conservation or ancillary liquidation of foreign or alien insurers.

Order of conservation of assets of foreign or alien insurer.

1. An order to conserve the assets of a foreign or alien insurer shall direct the commissioner forthwith to take possession of the property of the insurer within this State and to conserve it, subject to the further direction of the court.

Commissioner as ancillary receiver of foreign insurer.

2. Whenever a domiciliary receiver is appointed for any such insurer in its domiciliary state which is also a reciprocal state, as defined in Section 58-155.10, the court shall on application of the commissioner appoint the commissioner as the ancillary receiver in this State, subject to the provisions of the uniform insurers liquidation Act.

Uniform Insurers Liquidation Act.

SEC. 58-155.10. Uniform insurers liquidation Act.

This Section and Sections 58-155.11 to 58-155.17 inclusive, comprise and may be cited as the uniform insurers liquidation Act. For the purposes of this Act:

Definitions.

"Insurer."

1. "Insurers" means any person, firm or corporation, association or aggregation of persons doing an insurance business and subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization, or conservation by, the commissioner, or the equivalent insurance supervisory official of another state.

"Delinquency proceeding."

2. "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer.

3. "State" means any state of the United States, and also the District of Columbia, Alaska, Hawaii and Puerto Rico. "State."

4. "Foreign country" means territory not in any state. "Foreign country."

5. "Domiciliary state" means the state in which an insurer is incorporated or organized, or, in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of delinquency proceedings, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state. "Domiciliary state."

6. "Ancillary state" means any state other than a domiciliary state. "Ancillary state."

7. "Reciprocal state" means any state other than this State in which in substance and effect the provisions of this Act are in force, including the provisions requiring that the insurance commissioner or equivalent supervisory official be the receiver of a delinquent insurer. "Reciprocal state."

8. "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States, shall be deemed general assets. "General assets."

9. "Preferred claim" means any claim with respect to which the law of a state or of the United States accords priority of payment from the general assets of the insurer. "Preferred claim."

10. "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets. "Special deposit claim."

11. "Secured claim" means any claim secured by mortgage, trust, deed, pledge, deposit as security, escrow, or otherwise, but not including special deposit claims or claims against general assets. The term also includes claims which more than four months prior to the commencement of delinquency proceedings in the state of the insurer's domicile have become liens upon specific assets by reason of judicial process. "Secured claim."

"Receiver."

12. "Receiver" means receiver, liquidator, rehabilitator, or conservator as the context may require.

Delinquency proceedings against insurers domiciled in State; Commissioner as receiver.

SEC. 58-155.11. Conduct of delinquency proceedings against insurers domiciled in this State.

1. Whenever under the laws of this State a receiver is to be appointed in delinquency proceedings for an insurer domiciled in this State, the court shall appoint the commissioner as such receiver. The court shall direct the commissioner forthwith to take possession of the assets of the insurer and to administer the same under the orders of the court.

Rights and powers of Commissioner as domiciliary receiver.

2. As domiciliary receiver the commissioner shall be vested by operation of law with the title to all of the property, contracts, and rights of action, and all of the books and records of the insurer wherever located, as of the date of entry of the order directing him to rehabilitate or liquidate a domestic insurer, or to liquidate the United States branch of an alien insurer domiciled in this State, and he shall have the right to recover the same and reduce the same to possession; except that ancillary receivers in reciprocal states shall have, as to assets located in their respective states, the rights and powers which are hereinafter prescribed for ancillary receivers appointed in this State as to assets located in this State.

Recording of order directing possession of insurer's property to be taken; effect.

3. The recording of the order directing possession to be taken, or a certified copy thereof, in the Record of Lis Pendens in the office of the Clerk of the Superior Court of the county wherein the property is located shall impart the same notice as would be imparted by a deed, bill of sale, or other evidence of title duly filed or recorded.

Responsibility of administration of assets covered by Commissioner's official bond.

4. The commissioner as domiciliary receiver shall be responsible on his official bond for the proper administration of all assets coming into his possession or control. The court may at any time require an additional bond from him or his deputies if deemed desirable for the protection of the assets.

Duties of domiciliary receiver upon taking possession of assets.

5. Upon taking possession of the assets of an insurer the domiciliary receiver shall, subject to the direction of the court, immediately proceed to conduct the business of the insurer or to take such steps as are authorized by the laws of this State for the purpose of liquidating, rehabilitating, reorganizing or conserving the affairs of the insurer.

Appointment of special deputy commissioners and other assistants, in delinquency proceedings.

6. In connection with delinquency proceedings the commissioner may appoint one or more special deputy commissioners to act for him, and may employ such counsel, clerks, and assistants as he deems necessary. The compensation of the special deputies, counsel, clerks or assistants and all expenses of taking possession of the insurer and of conducting the

proceedings shall be fixed by the receiver, subject to the approval of the court, and shall be paid out of the funds or assets of the insurer. Within the limits of the duties imposed upon them special deputies shall possess all the powers given to, and, in the exercise of those powers, shall be subject to all of the duties imposed upon the receiver with respect to such proceedings.

Powers and duties.

SEC. 58-155.12. Conduct of delinquency proceedings against insurers not domiciled in this State.

Conduct of delinquency proceedings against insurers not domiciled in State.

1. Whenever under the laws of this State an ancillary receiver is to be appointed in delinquency proceedings for an insurer not domiciled in this State, the court shall appoint the commissioner as ancillary receiver. The commissioner shall file a petition requesting the appointment (a) if he finds that there are sufficient assets of such insurer located in this State to justify the appointment of an ancillary receiver, or (b) if ten or more persons resident in this State having claims against such insurer file a petition with the commissioner requesting the appointment of such ancillary receiver.

Appointment of Commissioner as ancillary receiver.

2. The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state, shall be vested by operation of law with the title to all of the property, contracts, and rights of action, and all of the books and records of the insurer located in this State, and he shall have the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this State. He shall also be entitled to recover the other assets of the insurer located in this State except that upon the appointment of an ancillary receiver in this State, the ancillary receiver shall during the ancillary receivership proceedings have the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceedings in this State, and shall pay the necessary expenses of the proceedings. All remaining assets he shall promptly transfer to the domiciliary receiver. Subject to the foregoing provisions the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of such assets, as a receiver of an insurer domiciled in this State.

Rights of domiciliary receiver.

Rights, powers, and duties of ancillary receiver.

3. The domiciliary receiver of an insurer domiciled in a reciprocal state may sue in this State to recover any assets of such insurer to which he may be entitled under the laws of this State.

Right of domiciliary receiver in reciprocal state to sue in N. C.

Claims of non-residents against domestic insurers.

SEC. 58-155.13. Claims of non-residents against domestic insurers.

1. In a delinquency proceeding begun in this State against an insurer domiciled in this State, claimants residing in reciprocal states may file claims either with the ancillary receivers, if any, in their respective states, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings.

Time for filing claims.

Proof of claims.

2. Controverted claims belonging to claimants residing in reciprocal states may either (a) be proved in this State as provided by law, or (b) if ancillary proceedings have been commenced in such reciprocal states, may be proved in those proceedings. In the event a claimant elects to prove his claim in ancillary proceedings, if notice of the claim and opportunity to appear and be heard is afforded the domiciliary receiver of this State as provided in Section 58-155.14 with respect to ancillary proceedings in this State, the final allowance of such claim by the courts in the ancillary state shall be accepted in this State as conclusive as to its amount, and shall also be accepted as conclusive as to its priority, if any, against special deposits or other security located within the ancillary state.

Claims against foreign insurers.

SEC. 58-155.14. Claims against foreign insurers.

1. In a delinquency proceeding in a reciprocal state against an insurer domiciled in that state, claimants, against such insurer, who reside within this State may file claims either with the ancillary receiver, if any, appointed in this State, or with the domiciliary receiver. All such claims must be filed on or before the last date fixed for the filing of claims in the domiciliary delinquency proceedings.

Time for filing claims.

Proof of claims.

2. Controverted claims belonging to claimants residing in this State may either (a) be proved in the domiciliary state as provided by the law of that state, or (b), if ancillary proceedings have been commenced in this State, be proved in those proceedings. In the event that any such claimant elects to prove his claim in this State, he shall file his claim with the ancillary receiver in the manner provided by the law of this State for the proving of claims against insurers domiciled in this State, and he shall give notice in writing to the receiver in the domiciliary state, either by registered mail or by personal service at least forty days prior to the date set for hearing. The notice shall contain a concise statement of the amount of the claim, the facts on which the claim is based, and the priorities asserted, if any. If the domiciliary receiver, within thirty days after the giving of such notice, shall give

notice in writing to the ancillary receiver and to the claimant, either by registered mail or by personal service, of his intention to contest such claim, he shall be entitled to appear or to be represented in any proceeding in this State involving the adjudication of the claim. The final allowance of the claim by the courts of this State shall be accepted as conclusive as to its amount, and shall also be accepted as conclusive as to its priority, if any, against special deposits or other security located within this State.

SEC. 58-155.15. Priority of certain claims.

Priority of certain claims.

1. In a delinquency proceeding against an insurer domiciled in this State, claims owing to residents of ancillary states shall be preferred claims if like claims are preferred under the laws of this State. All such claims whether owing to residents or non-residents shall be given equal priority of payment from general assets regardless of where such assets are located.

2. In a delinquency proceeding against an insurer domiciled in a reciprocal state, claims owing to residents of this State shall be preferred if like claims are preferred by the laws of that state.

3. The owners of special deposit claims against an insurer for which a receiver is appointed in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

4. The owner of a secured claim against an insurer for which a receiver has been appointed in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this Act, or if it has been adjudicated by a court of competent jurisdiction in proceedings in which the domiciliary receiver has had notice and opportunity to be heard, such amount shall be conclusive; otherwise the amount

shall be determined in the delinquency proceeding in the domiciliary state.

No attachment and garnishment of assets.

SEC. 58-155.16. Attachment and garnishment of assets.

During the pendency of delinquency proceedings in this or any reciprocal state no action or proceeding in the nature of an attachment, garnishment or execution shall be commenced or maintained in the courts of this State against the delinquent insurer or its assets. Any lien obtained by any such action or proceeding within four months prior to the commencement of any such delinquency proceeding or at any time thereafter shall be void as against any rights arising in such delinquency proceeding.

Uniformity of interpretation.

SEC. 58-155.17. Uniformity of interpretation.

This uniform insurers liquidation Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. To the extent that its provisions, when applicable, conflict with other provisions of this Article, the provisions of this Act shall control.

Commencement of proceedings.

SEC. 58-155.18. Commencement of a proceeding.

1. Proceedings under this Article involving a domestic insurer shall be commenced in the Superior Court for the county in which is located the insurer's home office. Proceedings under this Article involving other insurers shall be commenced in the Superior Court of Wake County.

Jurisdiction and venue.

Application by Commissioner.

2. The commissioner shall commence any such proceeding, the attorney-general representing him, by an applicantion to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or grant the application together with such other relief as the nature of the case and the interests of policyholders, creditors, stockholders, members, subscribers or the public may require.

SEC. 58-155.19. Injunctions.

Injunctions to prevent waste or disposition of property.

1. Upon application by the commissioner for such an order to show cause or at any time thereafter, the court may without notice issue an injunction restraining the insurer, its officers, directors, stockholders, members, subscribers, agents, employees and all other persons from the transaction of its business or the waste or disposition of its property until the further order of the court.

Interlocutory orders.

2. The court may at any time during a proceeding under this Article issue each other injunctions or orders as may be deemed necessary to prevent interference with the commissioner or the proceeding, or waste of the assets of the insurer, or the commencement or prosecution of any actions, or the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against the insurer or against its assets or any part thereof.

SEC. 58-155.20. Removal of proceedings.

Removal of proceedings to another County.

At any time after the commencement of a proceeding under this Article the commissioner may apply ex parte to the court for an order changing the venue of, and removing the proceeding to Wake County, or, in the discretion of the commissioner, to any other county of this State in which he deems that such proceeding may be most economically and efficiently conducted.

Upon the filing of any such application for removal, the court shall direct the clerk of the court in which the proceeding is then pending to transmit all the papers filed therein with such clerk to the clerk of the court to which the proceeding is removed, and the proceeding shall thereafter be conducted in such other court as though it had been commenced in such court.

SEC. 58-155.21. Deposit of monies collected.

Deposit of monies collected by Commissioner.

The monies collected by the commissioner in a proceeding under this Article, shall be, from time to time, deposited in one or more state or national banks, savings banks, or trust companies, and in the case of the insolvency or voluntary or involuntary liquidation of any such depositary which is an institution organized and supervised under the laws of this State, such deposits shall be entitled to priority of payment on an equality with any other priority given by the banking law of this State. The commissioner may in his discretion deposit such monies or any part thereof in a national bank or trust company as a trust fund.

SEC. 58-155.22. Exemption from filing fees.

Exemption of Commissioner from payment of certain fees.

The commissioner shall not be required to pay any fee to any public officer in this State for filing, recording, issuing a transcript or certificate, or authenticating any paper or instrument pertaining to the exercise by the commission of any of the powers or duties conferred upon him under this Article, whether or not such paper or instrument be executed by the commissioner or his deputies, employees or attorneys of record and whether or not it is connected with the commencement of an action or proceeding by or against the commissioner, or with the subsequent conduct of such action or proceeding.

Power of Commissioner to borrow money on pledge of assets.

SEC. 58-155.23. Borrowing on pledge of assets.

For the purpose of facilitating the rehabilitation, liquidation, conservation or dissolution of an insurer pursuant to this Article the commissioner may, subject to the approval of the court, borrow money and execute, acknowledge and deliver notes or other evidences of indebtedness therefor and secure the repayment of the same by the mortgage, pledge, assignment, transfer in trust or hypothecation of any or all of the property whether real, personal or mixed of such insurer, and the commissioner, subject to the approval of the court, shall have power to take any and all other action necessary and proper to consummate any such loans and to provide for the repayment thereof. The commissioner shall be under no obligation personally or in his official capacity as commissioner to repay any loan made pursuant to this Section.

Commissioner's report to General Assembly.

SEC. 58-155.24. Report to the General Assembly.

The commissioner shall transmit to the General Assembly in his biennial report, the names of all insurers proceeded against under this Article together with such facts as shall acquaint the policyholders, creditors, stockholders and the public with all proceedings. To that end the special deputy commissioner in charge of any such insurer shall file annually with the commissioner a report of the affairs of the insurer.

SEC. 58-155.25. Date rights fixed on liquidation.

Date as of which rights and liabilities attach for liquidation purposes.

The rights and liabilities of the insurer and of its creditors, policyholders, stockholders, members, subscribers and all other persons interested in its estate shall, unless otherwise directed by the court, be fixed as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, subject to the provisions of Section 58-155.29 with respect to the rights of claimants holding contingent claims.

SEC. 58-155.26. Voidable transfers.

Voidable transfers.

1. Any transfer of, or lien upon, the property of an insurer which is made or created within four months prior to the granting of an order to show cause under this Article with the intent of giving to any creditor or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class and which is accepted by such creditor having reasonable cause to believe that such a preference will occur, shall be voidable.

2. Every director, officer, employee, stockholder, member, subscriber and any other person acting on behalf of such in-

surer who shall be concerned in any such prohibited act or deed and every person receiving thereby any property of such insurer or the benefit thereof shall be personally liable therefor and shall be bound to account to the commissioner.

3. The commissioner as liquidator, rehabilitator or conservator in any proceeding under this Article, may avoid any transfer of, or lien upon the property of an insurer which any creditor, stockholder, subscriber or member of such insurer might have avoided and may recover the property so transferred or its value, from the person to whom it was transferred unless he was a bona fide holder for value prior to the date of the granting of an order to show cause under this Article. Such property or its value may be recovered from anyone who has received it except a bona fide holder for value as above specified.

SEC. 58-155.27. Priority of claims for compensation.

Priority of employees' claims for compensation.

1. Compensation actually owing to employees other than officers of an insurer, for services rendered within three months prior to the commencement of a proceeding against the insurer under this Article, but not exceeding three hundred dollars for each such employee, shall be paid prior to the payment of every other debt or claim and in the discretion of the commissioners may be paid as soon as practicable after the proceeding has been commenced; except that at all times the commissioner shall reserve such funds as will in his opinion be sufficient for the expenses of administration.

2. Such priority shall be in lieu of any other similar priority which may be authorized by law as to the wages or compensation of such employees.

SEC. 58-155.28. Offsets.

Offsets.

1. In all cases of mutual debts or mutual credits between the insurer and another person in conenction with any action or proceeding under this Article, such credits and debts shall be set off and the balance only shall be allowed or paid, except as provided in paragraph two of this Section.

2. No offset shall be allowed in favor of any such person where (a) the obligation of the insurer to such person would not at the date of the entry of any liquidation order, or otherwise, as provided in Section 58-155.25, entitle him to share as a claimant in the assets of the insurer, or (b) the obligation of the insurer to such person was purchased by or transferred to such person with a view of its being used as an offset, or (c) the obligation of such person is to pay an assessment levied against the members of a mutual insurer, or against the

subscribers of a reciprocal insurer, or is to pay a balance upon a subscription to the capital stock of a stock insurer.

Allowance of certain claims.

SEC. 58-155.29. Allowance of certain claims.

Contingent claims.

1. No contingent claim shall share in a distribution of the assets of an insurer which has been adjudicated to be insolvent by an order made pursuant to Section 58-155.30 except that such claims shall be considered, if properly presented, and may be allowed to share where

(a) such claim becomes absolute against the insurer on or before the last day fixed for filing of proofs of claim against the assets of such insurer, or

(b) there is a surplus and the liquidation is thereafter conducted upon the basis that such insurer is solvent.

Contingent claims, where insurer has claim against insured under liability insurance policy.

2. Where an insurer has been so adjudicated to be insolvent any person who has a cause of action against an insured of such insurer under a liability insurance policy issued by such insurer, shall have the right to file a claim in the liquidation proceeding, regardless of the fact that such claim may be contingent, and such claim may be allowed

(a) if it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insured; and

(b) if such person shall furnish suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against such insurer arising out of his cause of action other than those already presented can be made; and

(c) if the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its total liability would be were it not in liquidation.

Effect of judgment against insured after date of entry of liquidation order.

No judgment against such an insured taken after the date of the entry of the liquidation order shall be considered in the liquidation proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default, inquest or by collusion prior to the entry of the liquidation order shall be considered as conclusive evidence in the liquidation proceeding either of the liability of such insured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

Secured claims

3. No claim of any secured claimant shall be allowed at a sum greater than the difference between the value of the claim without security and the value of the security itself as of

the date of the entry of the order of liquidation or such other date set by the court for fixation of rights and liabilities as provided in Section 58-155.25 unless the claimant shall surrender his security to the commissioner in which event the claim shall be allowed in the full amount for which it is valued.

Time for filing claims

SEC. 58-155.30. Time to file claims.

1. If upon the granting of an order of liquidation under this Article or at any time thereafter during the liquidation proceeding, the insurer shall not be clearly solvent, the court shall after such notice and hearing as it deems proper, make an order declaring the insurer to be insolvent. Thereupon, regardless of any prior notice which may have been given to creditors, the commissioner shall notify all persons who may have claims against such insurer and who have not filed proper proofs thereof, to present the same to him, at a place specified in such notice, within four months from the date of the entry of such order, or, if the commissioner shall certify that it is necessary, within such longer time as the court shall prescribe. The last day for the filing of proofs of claim shall be specified in the notice. Such notice shall be given in a manner determined by the court.

Notice to creditors.

2. Proofs of claim may be filed subsequent to the date specified, but no such claim shall share in the distribution of the assets until all allowed claims, proofs of which have been filed before said date, have been paid in full with interest.

Effect of late filing of claim.

SEC. 58-155.31. Report for assessment.

Within three years from the date an order of rehabilitation or liquidation of a domestic mutual insurer or a domestic reciprocal insurer was filed in the office of the clerk of the court by which such order was made, the commissioner may make a report to the court setting forth

Report of Commissioner to Court as to assessment to pay claims, etc.

(a) the reasonable value of the assets of the insurer;

(b) the insurer's probable liabilities; and

(c) the probable necessary assessment, if any, to pay all possible claims and expenses in full, including expenses of administration.

SEC. 58-155.32. Levy of assessment.

1. Upon the basis of the report provided for in Section 58-155.31 including any amendments thereof, the court, ex parte, may levy one or more assessments against all members of such insurer who, as shown by the records of the insurer, were members of a mutual insurer or subscribers in a recipro-

Levy of assessment.

cal insurer, at any time within one year prior to the date of issuance of the order to show cause under Section 58-155.18.

2. Such assessment or assessments shall cover the excess of the probable liabilities over the reasonable value of the assets, together with the estimated cost of collection and percentage of uncollectibility thereof. The total of all assessments against any member or subscriber with respect to any policy, by whomsoever levied or for whatsoever purposes levied, shall be for no greater amount than that specified in the policy or policies of the member or subscriber and as limited under this Chapter; except that if the court finds that the policy was issued at a rate of premium below the minimum rate lawfully permitted for the risk insured, the court may determine the upper limit of such assessment upon the basis of an adequate rate for the insurance.

3. No assessment shall be levied against any member or subscriber with respect to any non-assessable policy issued in accordance with this Chapter.

SEC. 58-155.33. Order to pay assessment.

Order requiring payment of assessments.

After levy of assessment as provided in Section 58-155.32, upon the filing of a further detailed report by the commissioner, the court shall issue an order directing each member of a mutual insurer or each subscriber in a reciprocal insurer, if he shall not pay the amount assessed against him to the commissioner on or before a day to be specified in the order, to show cause why he should not be held liable to pay such assessment together with costs as set forth in Section 58-155.35 and why the commissioner should not have judgment therefor.

Publication and transmittal of assessment order.

SEC. 58-155.34. Publication and transmittal of assessment order.

The commissioner shall cause a notice of such assessment order setting forth a brief summary of the contents of such order to be

(a) published in such manner as shall be directed by the court; and

(b) enclosed in a sealed envelope, addressed and mailed postage prepaid to each member or subscriber liable thereunder at his last known address as it appears on the records of the insurer, at least twenty days before the return day of the order to show cause provided for in Section 58-155.33.

Judgment upon assessment.

SEC. 58-155.35. Judgment upon the assessment.

1. On the return day of the order to show cause provided for in Section 58-155.33 if the member or subscriber does not

appear and serve verified objections upon the commissioner, the court shall make an order adjudging that such member or subscriber is liable for the amount of the assessment against him together with ten dollars cost, and that the commissioner may have judgment against the member or subscriber therefor.

2. If on such return day the member or subscriber shall appear and serve verified objections upon the commissioner there shall be a full hearing before the court or a referee to hear and determine, who, after such hearing, shall make an order either negativing the liability of the member or subscriber to pay the assessment or affirming his liability to pay the whole or some part thereof together with twenty-five dollars costs and the necessary disbursements incurred at such hearing, and directing that the commissioner in the latter case may have judgment therefor.

3. A judgment upon any such order, whether granted by a court or by a referee, shall have the same force and effect, and may be entered and docketed and may be appealed from as if it were a judgment in an original action brought in the court in which the proceeding is pending.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable. Partial invalidity provision.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 535 CHAPTER 924

AN ACT TO REGULATE THE FORECLOSURE OF TAXES IN THE TOWN OF WALNUT COVE, IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after June 30th, 1947, no tax foreclosure suit shall be maintained on account of any tax levied by and due to the Town of Walnut Cove for the year 1932 and all years prior thereto, and from and after June Certain tax foreclosure suits, Town of Walnut Cove, barred.

30th, 1947, all such tax foreclosure suits shall be barred.

Extinguishment of certain tax liens.

SEC. 2. That from and after June 30th, 1947, the lien of all taxes levied by and due to the Town of Walnut Cove for the year 1932 and all prior years shall be extinguished and no suit to enforce the same shall thereafter be maintained.

Town Board authorized to make adjustments of taxes, penalties, etc.

SEC. 3. That the Board of Town Commissioners of the Town of Walnut Cove be, and it is hereby, authorized and empowered to adjust, compromise, or remit any tax, including penalties and interest thereon, which is now due to the Town of Walnut Cove for all years prior to and including the year 1932.

Act not applicable to certain pending suits.

SEC. 3½. That this Act shall not apply to any tax foreclosure suit commenced prior to June 30th, 1947, nor to any tax lien suit to foreclose which has been commenced prior to June 30th, 1947.

Partial invalidity provision.

SEC. 4. That if any part or Section of this Act shall be held invalid or unconstitutional, the remaining portions thereof shall continue in full force and effect.

Application of Act.

SEC. 5. That this Act shall apply only to the Town of Walnut Cove, in Stokes County.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 571 CHAPTER 925

AN ACT TO AMEND SECTION 115-377 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE HEATING EQUIPMENT TO BE INSTALLED IN SCHOOL BUSSES.

The General Assembly of North Carolina do enact:

G. S. § 115-377, amended.

SECTION 1. That Section 115-377 of the General Statutes of North Carolina be, and the same is hereby amended by adding at the end thereof a new paragraph to read as follows:

Provision for adequate heating of school busses by State Board of Education.

The State Board of Education shall provide that all school busses which may hereafter be placed in operation to be equipped with adequate heating facilities.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 584 **CHAPTER 926**

AN ACT EXEMPTING THE UNIFORMED EMPLOYEES OF THE FIRE DEPARTMENT OF THE CITY OF CHARLOTTE FROM THE PROVISIONS OF ARTICLE 3, CHAPTER 128 OF THE GENERAL STATUTES OF NORTH CAROLINA OF 1943, AND ACTS AMENDATORY THERETO, AND ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Provision for creation of Charlotte Firemen's Retirement System, for uniformed employees.

SECTION 1. That the uniformed employees of the Fire Department of the City of Charlotte may elect by a vote of at least seventy-five per centum (75%) of its members not to come under the provisions of Article 3, Section 128, of the General Statutes; and if such election is duly made, there shall be established in lieu thereof the Charlotte Firemen's Retirement System to provide for the raising of funds and the machinery for the administration of same as a Retirement System for the uniformed members of the Charlotte Fire Department.

Membership in retirement system.

SEC. 2. All uniformed members of the Charlotte Fire Department shall become members of the Retirement System upon its adoption, and in addition thereto all uniformed members coming into the department thereafter who have not reached their thirty-first birthday shall become members after having successfully passed their six months probationary period. All members of the system shall pay into the fund and be entitled to such benefits as are hereinafter provided.

Purpose of retirement system.

SEC. 3. The purpose of this system shall be to provide benefits for uniformed members of the Charlotte Fire Department who have become permanently and totally disabled by reason of an injury received or by reason of an accident occurring in line of duty and while within the scope of their employment, to provide retirement benefits for uniformed members of the Charlotte Fire Department arriving at age sixty-five years, and to provide further a retirement fund for uniformed members who have served as hereinafter defined as a uniformed member of the Fire Department of the City of Charlotte for a period of twenty-five years and who shall elect so to retire.

Administration by Board of Trustees.

SEC. 4. Administration by Board of Trustees—Rights and Powers. The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of this Act are hereby vested in a Board of Trustees consisting of: (a) City Manager, (b) City Treasurer, (c) City Accountant—All of the City of

Composition of Board; terms.

Charlotte, (d) A Chairman to be appointed by the Resident Judge of the Superior Court of Mecklenburg County, to hold office for a period of three years or until his successor shall have been appointed and qualified, and (e) Three members chosen from the Charlotte Fire Department, these representatives to be elected by a majority vote of the uniformed members of the Fire Department of the City of Charlotte; one of said representatives to the Board of Trustees shall hold office for a period of one year, one for a period of two years, and one for a period of three years. Any member shall be eligible to succeed himself.

Organization.

(a) The Board of Trustees shall be organized immediately after the Trustees provided for in this Section shall have qualified and taken the oath of office.

Legal status of Board of Trustees.

Rights and powers.

(b) The Board of Trustees shall be a body politic and corporate under the name of the Board of Trustees of Charlotte's Firemen's Retirement System, and as a body politic and corporate shall have the right to sue and be sued, shall have perpetual succession and a common seal, and in said corporate name shall be able and capable in law to take, receive and demand and possess all kinds of property hereinafter specified, and to bargain, sell, grant, alien, or dispose of all such property as it may lawfully acquire. All such property owned or acquired by said body politic and corporate shall be exempt from all taxes imposed by the State or any political subdivision thereof and shall not be subject to income taxes.

Investments.

(c) The Board of Trustees may purchase with funds received under and by virtue of their office, bonds of the City of Charlotte, Mecklenburg County, State of North Carolina, United States Government, or certificate of deposit of paid shares of Building & Loan Association not exceeding the amount guaranteed by the Federal Government.

Service by trustees without compensation.

Expenses.

(d) Compensation of Trustees. The members of the Board of Trustees of the Charlotte Firemen's Retirement System shall serve without compensation, but they shall be reimbursed for all necessary expenses incurred through service upon said Board.

Oath of office.

(e) Each Trustee shall, within ten days after his appointment, take an oath of office before the mayor that, so far as it devolves upon him, he will diligently and honestly administer the affairs of said Board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the Retirement System. Such oath shall be subscribed to by the member making it, and certified by the officer by whom it is taken, and immediately filed in the office of the city clerk.

(f) Meetings. The Board of Trustees shall hold regular quarterly meetings at such time and place as the Board may determine. In addition thereto, the Chairman or Vice Chairman of the Board of Trustees may call special meetings and upon request of two members of the Board of Trustees in writing, shall call a special meeting of the Board of Trustees. When so called, the Secretary shall give notice in person or by special delivery mail to all members of the Board at least twenty-four hours prior to such meeting, specifying the purpose of such meeting and time and place. The business of the special meeting shall be limited to the purpose as set forth in the notice. Meetings. Notice of special meetings.

(g) Voting Rights. Each Trustee shall be entitled to one vote. Four affirmative votes shall be necessary for a decision by the Trustees at any meeting of said Board and the Chairman shall only vote in case of a tie. Voting rights of trustees.

(h) The Chairman shall preside at all meetings and in his absence the Vice Chairman shall preside. Presiding officers.

(i) Officers. The Vice Chairman, Secretary and the Treasurer of the Charlotte Firemen's Retirement System shall be elected by the Board of Trustees from the membership of the Board at the first organizational meeting and thereafter at the first regular quarterly meeting in each year. Election of officers.

(j) Rules and Regulations. Subject to the limitations of this Act, the Board of Trustees shall from time to time establish rules and regulations for the administration of the funds created by this Act and for the transaction of its business. The Board of Trustees shall also, from time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities which might arise in the administration of this Act. Rules and regulations.

(k) Evaluation. The Secretary shall keep in convenient form, at a place designated by the Trustees, such data as shall be necessary for evaluating the System and for checking the expense of the System. Data for evaluation and checking expense of system.

(l) Record of Proceedings. Annual Report. The Board of Trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the System for the preceding year, the amount of the accumulated cash of the System, and the last balance sheet, showing the financial condition of the System including the valuation of the assets and liabilities of the Retirement System. A copy of such annual report shall be provided for each of the fire stations of the City of Charlotte. Record of proceedings. Annual reports.

Legal adviser.

(m) Legal Adviser. The attorney or attorneys for the City of Charlotte shall be the legal adviser or advisers of the Board of Trustees.

Medical Board.

(n) Medical Board. The Board of Trustees shall designate a medical board to be composed of three physicians. If deemed necessary by the Board of Trustees, other physicians may be engaged to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under provisions of this Act and shall investigate all essential statements and certificates by and on behalf of a member in connection with an application for disability retirement, and shall report in writing to the Board of Trustees its conclusions and recommendations upon all matters referred to it.

Medical examinations

Custodian of funds, City Treasurer.

Bond.

Disbursements.

Audits.

(o) Custodian of Funds. Disbursements. Bond of Treasurer. The Treasurer of the City of Charlotte shall be the Treasurer of the System. The Treasurer shall furnish such bond as shall be required by the Board of Trustees. He shall be custodian of all funds paid in to the Charlotte Firemen's Retirement System and shall deposit said funds in a bank or banks designated by the Board of Trustees. The premium for said bond shall be paid out of the funds of the System. All payments from such funds shall be made by him only upon voucher signed by two persons designated by the Board of Trustees. The books of the System shall be audited annually by a certified public accountant and said report shall be presented at the first regular quarterly meeting of each year.

Disqualification of trustee member applying for benefits.

(p) Trustee Member Disqualified. In the event any uniformed member shall make application for benefits under this Act and shall at such time be serving as a member of the Board of Trustees, he shall first disqualify himself and his vacancy shall be filled before the Board of Trustees receives such application.

Method of financing.

Salary deductions.

Contributions by City of Charlotte.

Funds from other sources.

SEC. 5. Method of Financing. The City of Charlotte shall cause to be deducted from the salary of each uniformed member of the Charlotte Firemen's Retirement System, on each and every pay roll of such employee and for each and every pay roll period, five per centum (5%) of his pay roll earnings and the City of Charlotte shall also contribute a sum equal to five per centum (5%) of said payroll earnings, said amount to remain five per centum (5%) until such time as the City of Charlotte, had the City Fire Department remained under the State plan as now defined in Article 3, Section 128 of the General Statutes of North Carolina, would have had its contribution to that plan reduced to four per centum (4%), and after such time the contribution of both the members of the System and the City of Charlotte shall be reduced to four per centum (4%). In addition thereto the Retirement System shall also receive funds from the following sources: Fines

imposed by the Civil Service Commission of the City of Charlotte upon members of the Charlotte Fire Department for infraction of the rules and regulations; also such rewards, donations, gifts and emoluments as may be received by any member of the System for extraordinary service while engaged in his regular employment as fireman for the City of Charlotte. There shall be paid to the Trustees of the Charlotte Firemen's Retirement System as soon as said Trustees are qualified and organized not less than fifty thousand dollars ($50,000.00) from the Firemen's Relief Fund of the City of Charlotte.

Funds from Firemen's Relief Fund.

(a) The members of this System, i. e., the uniformed firemen of the City of Charlotte, shall withdraw from the North Carolina Local Governmental Employees Retirement System established under Chapter 128, Article 3 of the General Statutes of North Carolina, and the Trustees of such North Carolina Local Governmental Employees Retirement System shall pay to the Trustees of the Retirement System herein established such moneys as such firemen shall have paid to said North Carolina Local Governmental Employees Retirement System, and the City of Charlotte is hereby authorized to request, if its governing body so elects, the payment to the Trustees of the Retirement System herein established, such moneys as the City of Charlotte has paid to the North Carolina Local Governmental Employees Retirement System on account of such uniformed firemen, and the Trustees of such System upon such request make such payment.

Funds from N. C. Local Governmental Employees Retirement System.

(b) The retirement provisions of this System shall not become effective until the fund has reached the sum of two hundred thousand dollars ($200,000.00).

Effective date of retirement provisions.

(c) Until said fund shall have reached the sum of two hundred thousand dollars ($200,000.00), the City of Charlotte will provide the following retirement benefits:

Benefits provided by City of Charlotte pending effectiveness of retirement provisions of system.

(1) Retirement benefits to uniformed firemen of the City of Charlotte for disability received in line of duty as herein defined.

(2) Retirement for uniformed members reaching age sixty-five.

(3) Retirement for uniformed members who have had twenty-five years of service as defined in this Act, provided such fireman is physically incapacitated for any cause at any time after serving said twenty-five years; *provided*, however, that the total number of retirements in any one year shall not exceed six and *provided* further that if more than six uniformed firemen become eligible as herein provided within the same calendar year, that the six firemen chosen for retirement bene-

fits shall be selected on the following basis of preference:

(a) Physical disability or the degree of same shall be the first consideration.

(b) Length of service shall be the other factor.

Service retirement benefits.

SEC. 6. Retirements.

(a) Service Retirement Benefits.

(1) Any uniformed member of the Charlotte Fire Department may retire upon written application to the Board of Trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired; *provided* that said member has had twenty-five years of service as a uniformed member of the Charlotte Fire Department. In computing the period of service to qualify for such retirement, all members of the Charlotte Fire Department shall be given credit for all previous service in said Department. This will also include service by members in the Armed Forces of the United States of America who were employed in the Department prior to entering the service of their country, in either World War I or World War II. An average of not more than six persons shall be retired in any one year under this System. Those who wish to retire but because of this limitation cannot, but are eligible by seniority to retire, shall be deferred to the following year.

(2) Any uniformed member of the Charlotte Fire Department who has attained the age of sixty-five years shall be retired when he becomes sixty-five years of age and such retirement shall be compulsory provided the fund has reached two hundred thousand dollars ($200,000.00) as provided in Subsection 5 (c) above.

(3) Retirement benefits shall be equal to one-half of fifty per centum of the pay received by such retired firemen averaged over the last three years of such employment at the time of his retirement.

Disability retirement benefits.

(b) Disability Retirement Benefits.

Total permanent disability.

(1) Disability benefits shall be limited to cases of total permanent disability of any uniformed member of the Charlotte Fire Department by reason of injury received or by reason of an accident or occupational disease occurring in line of duty and of his employment as a fireman of the City of Charlotte. Such benefits shall priority over retirement benefits due to seniority.

Priority over retirement benefits due to seniority.

(2) Any member desiring to secure benefits under this Subsection shall make application for retirement to the Board of Trustees, and the Board of Trustees shall, not less than thirty and not more than ninety days after the filing of said application, pass on said application; provided that the medical board, after a medical examination of such member, shall certify that such member has become totally disabled and incapacitated for further performance of duty, and that such incapacity is likely to be permanent, and that such member should be retired.

Application for benefits.

Certificate of incapacity by medical board.

(3) Upon a finding by the Board of Trustees, upon proper medical evidence, that the applicant is entitled to retirement benefits, there shall be paid to such member on each pay day a sum equal to one-half or fifty per centum of his pay at the time of his retirement; *provided,* however, that such benefits shall not begin or become due until all benefits due under the North Carolina Workmen's Compensation Act shall have been paid in full.

Amount of disability benefits.

Date payable.

In the event of lump sum payments under the North Carolina Workmen's Compensation Act, no benefits hereunder shall become due or accrue until after the maximum period covered by the lump sum payment under the North Carolina Workmen's Compensation Act shall have expired.

(4) The determination by the Board of Trustees that any applicant is not entitled to retirement benefits under this Section shall not prohibit such applicant from filing another application at a later date, provided said application is based on additional or different facts bearing on the question of his disability.

Subsequent application after denial of benefits by Board.

(5) Whenever the medical board and the Trustees shall agree on any application, such determination shall be conclusive, but in the event the medical board shall find that the applicant is permanently and totally disabled as herein defined and the Trustees should not so find, then the applicant shall have the right of an appeal to the Civil Service Commission and their decision shall be final on said application.

Effect of determination by Medical Board and Board of Trustees.

Right of appeal.

(6) Any member of the System who shall have been retired by reason of disability hereunder shall be subject to the call of the Board of Trustees at any time for re-examination, and if, upon re-examination, such member be found able to perform active duty in the Charlotte Fire Department, he shall be reinstated in a position equal in rank to that at the time of his retirement. Refusal of any member to submit to such re-examination or refusal to return to work as a result of a finding by the Board of Trustees, upon re-examination, that said member is capable of performing active duty in the

Members retired for disability subject to call for re-examination.

Reinstatement.

Effect of refusal to submit to re-examination or to return to work.

Charlotte Fire Department shall cause all retirement benefits to cease forthwith and such person shall cease to be a member of the Charlotte's Firemen's Retirement System; *provided*, however, that such person may apply for reimbursement of funds actually paid into the System by him, but in no event shall such sum exceed the amount actually paid in less the retirement benefits theretofore received by such person.

Payments to members who leave employment.

(c) Benefits to Members who Resign.

Should any member of the Charlotte Firemen's Retirement System resign or leave the employ of the Fire Department of the City of Charlotte for any cause he shall receive in full the amounts paid in by him to the Retirement System. In the event of the death of any member of the System prior to retirement or disability as heretofore provided, the full amount paid into the fund by such deceased member shall be paid to the widow, child or children of such deceased member and in the event such deceased member leaves no wife or children, said amount shall be paid into his estate.

Benefits in case of death prior to retirement.

Liabilities of trustees.

SEC. 7. Liabilities of Trustees. No member of the Board of Trustees shall be personally liable by reason of his service as a Trustee for any acts performed by him as a Trustee, except for malfeasance in office.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 590 CHAPTER 927

AN ACT TO APPROPRIATE FIFTY THOUSAND DOLLARS PER YEAR FOR MAINTENANCE AND OPERATION EXPENSES OF NORTH CAROLINA STATE PORTS AUTHORITY.

Preamble:

Creation of N. C. State Ports Authority.

WHEREAS, the North Carolina State Ports Authority was created by Act of the General Assembly of 1945, the said Act being known and designated as Chapter 1097 of the Public Laws of 1945; and

Appointment of members.

WHEREAS, in pursuance of said enactment the Governor of the State of North Carolina appointed a board of seven members as constituting said State Ports Authority; and

No appropriation to Authority at time of creation.

WHEREAS, at the time of the enactment of said legislation the nation was involved in World War No. 2 and it was not deemed feasible or practicable for said State Ports Authority to enter actively upon the discharge of its duties and accordingly no appropriation was contained in said enactment for the maintenance and operation of said Authority; and

Need and importance of functioning of Ports Authority.

WHEREAS, since the enactment and ratification of said State Ports Authority bill the war has terminated and subsequent developments have given emphasis to the need and importance of said State Ports Authority, such developments including the termination of shipbuilding at Wilmington and the possible availability of said shipyards for terminal purposes and other purposes of said Authority, the increase in private shipping, with possibilities of developing shipping for all the ports of North Carolina, the Act of Congress appropriating funds for deepening and improving the channels at several of the State's ports, the competition among the ports of the Southeastern Seaboard for the establishment of routes and ports of call on the part of various shipping lines and interests; and

Accomplishments of State Ports Authority.

WHEREAS, the members of the State Ports Authority, although without any funds appropriated for the operation and maintenance of said Authority, have at their own expense in money and time done much to improve the position of the Authority and enhance the prospects for ports activity in the State of North Carolina and have, among other things, been able to procure from Federal Works Administration a sufficient amount for the most comprehensive survey ever undertaken of ports facilities, needs and opportunities in North Carolina, all of which funds, however, are limited for such purpose; and

Prospects of further accomplishments in developing port facilities.

WHEREAS, the members of said State Ports Authority have likewise, after many conferences with Federal authorities in Washington and elsewhere, developed a reasonable prospect for acquiring the Wilmington Shipyards for terminal and other purposes, all of which has been done without even having funds available for postage, stationery, telephone or telegraphic expense, or for any other purpose; and

Development of ports, matter of state-wide interest.

WHEREAS, it is in the interest of the entire State that the ports of the State shall be developed and that commerce shall flow through said ports and industries be developed in connection with such activities; and

Need for reasonable appropriation.

WHEREAS, the said State Ports Authority cannot without some reasonable appropriation carry on its work effectually and is reasonably in need of the funds hereinafter appropriated for the purposes stated: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriation for N. C. State Ports Authority.

SECTION 1. There is hereby appropriated out of the general fund of the State of North Carolina State Ports Authority the sum of fifty thousand dollars ($50,000.00) per year for each fiscal year of the ensuing biennium, for the purpose of providing necessary expenses for the maintenance and operations of said State Ports Authority and for effectuating the purposes for which said Authority was established.

Purpose.

Expenditure of funds.

SEC. 2. That the said funds hereby appropriated shall be expended only as the same shall be needed for the necessary maintenance and operation expenses of said State Ports Authority and shall be subject to all of the provisions of the Budget Control Act of the State.

Audit of books and accounts by State Auditor.

SEC. 3. That the books, records and accounts of North Carolina State Ports Authority as a State agency shall be audited by the office of the State Auditor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 612 CHAPTER 928

AN ACT TO AMEND SECTION 106-284.3 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES LEVIED UNDER THE NORTH CAROLINA SEED LAW.

The General Assembly of North Carolina do enact:

G. S. § 106-284.3, rewritten.

SECTION 1. Section 106-284.3. Subsection (a) is hereby amended by rewriting the same to read as follows:

Purchase of seed analysis tags by dealers, under N. C. Seed Law.

a. Each seed dealer selling, offering, or exposing for sale in, or exporting from, this State, any agricultural or vegetable seed for seeding purposes, shall purchase from the commissioner for two cents each, official North Carolina seed analysis tags and shall attach a tag to each container holding ten (10) or more pounds of said seed. On and after the effective date of this Act, it shall be unlawful to use one cent tags unless two of such tags are affixed to each container as hereinbefore described.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act, to the extent of special conflict, are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 623 **CHAPTER 929**

AN ACT TO AMEND SECTION 51-9 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPROVAL OF LABORATORIES FOR MAKING SEROLOGICAL TESTS IN CONNECTION WITH HEALTH CERTIFICATES REQUIRED OF APPLICANTS FOR MARRIAGE LICENSES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 51-9 of the General Statutes of North Carolina by adding to the first paragraph of said Section the following: G. S. § 51-9, amended.

Before any laboratory shall make such tests or any serological test required by this Section, it shall apply to the North Carolina State Board of Health for a certificate of approval; and such application shall be in writing and shall be accompanied by such reports and information as shall be required by the North Carolina State Board of Health. The North Carolina State Board of Health may, in its discretion, revoke or suspend any certificate of approval issued by it for the operation of such a laboratory; and after notice of such revocation or suspension, no such laboratory shall operate as an approved laboratory under this Section. Approval by State Board of Health of laboratories making serological tests. Suspension or revocation of certificate of approval.

SEC. 2. That the provisions of this Act shall not apply to pending litigation. Act not applicable to pending litigation.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 643 **CHAPTER 930**

AN ACT TO AMEND ARTICLE 27, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ESTABLISHMENT OF MUNICIPAL RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE TOWN OF ASHEBORO.

The General Assembly of North Carolina do enact:

G. S. § 7-186, amended.

SECTION 1. That Chapter 7, Section 186, of the General Statutes of North Carolina be amended by adding at the end thereof the following:

Upon establishment of Municipal Recorder's Court, Asheboro, appointment of Recorder by Resident Judge.

Term.

That if and when a Municipal Recorder's Court for the Town of Asheboro is established under the provisions of this Subchapter, the recorder thereof shall be appointed by the Resident Judge of the Fifteenth Judicial District upon the recommendation of the Board of Commissioners of said Town of Asheboro and shall hold office until the first Monday in May next following the date of his appointment and until his successor is duly appointed and qualified. Each succeeding recorder shall be appointed by the Resident Judge of the Fifteenth Judicial District on the recommendation of the Board of Commissioners of the Town of Asheboro and shall serve for a term of two years and until his successor is duly appointed and qualified; and any vacancy occurring in said office shall be filled in the same manner and for the unexpired term.

Filling of vacancy.

Upon establishment of Municipal Recorder's Court, City of Randleman, appointment of Recorder by Resident Judge.

Term.

That if and when a Municipal Recorder's Court for the City of Randleman is established under the provisions of this Subchapter, the recorder thereof shall be appointed by the Resident Judge of the Fifteenth Judicial District upon the recommendation of the Board of Commissioners of the City of Randleman and shall hold office until the first Monday in May next following the date of his appointment and until his successor is duly appointed and qualified. Each succeeding recorder shall be appointed by the Resident Judge of the Fifteenth Judicial District on the recommendation of the Board of Commissioners of the City of Randleman and shall serve for a term of two years and until his successor is duly appointed and qualified; and any vacancy occurring in said office shall be filled in the same manner and for the unexpired term.

Filling of vacancy.

G. S. § 7-204, amended.

SEC. 2. That Chapter 7, Section 204, of the General Statutes of North Carolina be amended by adding at the end thereof the following:

No jury trials, Municipal Recorder's Court, Randleman.

That if and when a Municipal Recorder's Court for the Town of Asheboro or the City of Randleman is established under the provisions of this Subchapter, there shall be no

jury trials. If a defendant is charged with a crime within the jurisdiction of said court and he shall demand a jury trial in person or through councel, the recorder shall transfer the case to the Superior Court of Randolph County and witnesses for the State shall be recognized to appear before the Grand Jury at the next ensuing term of Superior Court. The defendant shall give bond for appearance in the Superior Court in the same manner provided in case of appeal to the Superior Court.

Jury cases transferred to Superior Court, Randolph County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 679 CHAPTER 931

AN ACT TO AMEND SECTION 153-77 OF THE GENERAL STATUTES RELATING TO THE PURPOSES FOR WHICH BONDS MAY BE USED AND TAXES LEVIED SO AS TO INCLUDE SCHOOL GARAGES, TEACHERAGES, PHYSICAL EDUCATION AND VOCATIONAL EDUCATION BUILDINGS, LUNCH ROOMS, AND OTHER SIMILAR SCHOOL BUILDING FACILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 153-77 of the General Statutes is amended by rewriting paragraph (a) to read as follows:

G. S. § 153-77, amended, as to purposes for which bonds issued, taxes levied, by counties, to include schoolhouses and facilities.

(a) Erection and purchase of schoolhouses, school garages, physical education and vocational education buildings, teacherages, lunchrooms, and other similar school plant facilities.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 715 CHAPTER 932

AN ACT TO AMEND SECTION 18-77 OF THE GENERAL STATUTES BY MAKING CERTAIN PROVISIONS THEREIN APPLY TO THE COUNTY OF BERTIE.

The General Assembly of North Carolina do enact:

G. S. § 18-77, amended, as to regulation of sale of beer and wine; application to Bertie County.

SECTION 1. Section 18-77 of the General Statutes is hereby amended by inserting the word "Bertie" to follow the word "Granville" in line sixty-four.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 744 CHAPTER 933

AN ACT TO AMEND CHAPTER 1096 OF THE SESSION LAWS OF 1945; TO PROVIDE FOR THE LICENSING, INSPECTION AND REGULATION OF HOSPITALS; TO AUTHORIZE SUBDIVISIONS OF GOVERNMENT TO CONSTRUCT, EQUIP, OPERATE AND MAINTAIN HOSPITAL FACILITIES; AND TO PROVIDE ADEQUATE MEDICAL CARE FOR THE PEOPLE OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. § 131-119, amended, as to contributions by N. C. Medical Care Commission for indigent patients in certain hospitals.

SECTION 1. Amend Section 131-119 of the General Statutes of North Carolina as the same appears in Chapter 1096 of the Session Laws of 1945 by striking out the words "owned and," as the same appear in the tenth line of the second paragraph of said Section 131-119 as shown in Chapter 1096 of the Session Laws of 1945.

Further amend said Section 131-119, as the same appears in Chapter 1096 of the Session Laws of 1945, by inserting after the comma in line eleven which appears after the word "corporations" in lines ten and eleven the following:

and on and after July 1st, 1949, the benefits of this Section shall apply only to hospitals publicly owned, or owned and operated by charitable, non-profit, non-stock corporations.

G. S. § 131-121, as amended, rewritten.

SEC. 2. Amend Section 131-121 of the General Statutes of North Carolina as the same appears in Chapter 1096 of the

Session Laws of 1945 by rewriting the first paragraph of the said Section 131-121 as the same appears in Chapter 1096 of the Session Laws of 1945 so that said first paragraph, as rewritten, shall read as follows:

Loans by Medical Care Commission to medical and other students.

SEC. 131-121. Medical and other students; loan fund. The North Carolina Medical Care Commission is hereby authorized and empowered, in accordance with such rules as it may promulgate, to make loans to students who may wish to become physicians, dentists, pharmacists, or nurses and who are accepted for enrollment in any standard school or college giving approved courses in medicine, dentistry, pharmacy or nursing, and is approved by the Commission provided such student or students shall agree, that upon graduation and being duly licensed, to practice medicine, dentistry, pharmacy or nursing in some rural area of North Carolina for at least four years. Rural area, for the purpose of this Section, shall mean any town or village having less than 2,500 population according to the last decennial census, or area outside and around such towns or villages. Such loans shall bear such rate of interest as may be fixed by the Commission, not to exceed four per cent (4%) per annum.

Agreement by student to practice in rural areas.

Rural area defined.

Interest rate on loans.

G. S. § 131-120, amended.

SEC. 3. Amend the third paragraph of Subsection (c) of Section 131-120 of the General Statutes of North Carolina as the same appears in Chapter 1096 of the Session Laws of 1945 by adding to said paragraph, at the end thereof, the following:

Per diem and travel expense allowances for members of State Advisory Council to Commission.

Exception.

The Members of the State Advisory Council to the North Carolina Medical Care Commission shall receive a per diem of seven dollars ($7.00) and necessary travel expenses except that this shall not apply to Members of the State Advisory Council to the North Carolina Medical Care Commission who are representatives of a State agency or department and who receive a regular salary paid by appropriations to their agency or department; but such representatives of such State agencies or departments shall be entitled to necessary subsistence and travel expenses.

G. S. § 126-1, amended; application of Merit System to personnel of Medical Care Commission.

SEC. 4. Amend Section 126-1 of the General Statutes of North Carolina by inserting after the comma appearing after the word "Commission" and before the word "the" in the eighth line of said Section the following:

North Carolina Medical Care Commission,.

G. S. § 131-120, amended further.

SEC. 5. Amend Section 131-120 of the General Statutes of North Carolina as the same appears in Chapter 1096 of the Session Laws of 1945 by striking out the last paragraph of said Section 131-120 and by inserting in lieu thereof the following:

Grants-in-aid to local governmental units by Medical Care Commission.

Out of the funds appropriated and made available by the State, the North Carolina Medical Care Commission shall make grants-in-aid to counties, cities, towns and subdivisions of government to acquire real estate and construct thereon hospital facilities, including the reconstruction, remodeling or addition to any hospital facilities which have been or may be acquired by such municipalities or subdivisions of government for use as community hospitals. The appropriations and funds made available by the State shall be allocated, apportioned and granted for the purposes above set forth and for such other related objects or purposes as shall be determined in each case by the North Carolina Medical Care Commission in accordance with the standards, rules and regulations as determined, adopted and promulgated by the North Carolina Medical Care Commission. The North Carolina Medical Care Commission may furnish financial and other types of aid and assistance to any non-profit hospital owned and operated by a corporation or association, no part of the net earnings of which, inures, or may lawfully inure, to the benefit of any private shareholder or individual upon the same terms and conditions as such aid and financial assistance is granted to municipalities and subdivisions of government: *Provided*, that hospitals now in the course of construction and approved by the North Carolina Medical Care Commission and the appropriate Federal authority shall be entitled to receive financial assistance on the same basis as any hospital of the same classification and type that may be hereafter constructed and approved by the North Carolina Medical Care Commission and the appropriate Federal authority.

Purposes.

Aid to non-profit hospitals.

Financial aid to certain hospitals under construction.

G. S., Ch. 131, amended; new Articles added.

SEC. 6. Chapter 131 of the General Statutes of North Carolina, as amended by Chapter 1096 of the Session Laws of 1945, is hereby further amended by adding two new Articles, to be designated as Article 13A and Article 13B, immediately following Article 13 and immediately preceding Article 14 as Articles 13 and 14 are set out in the 1945 Cumulative Supplement to the General Statutes of North Carolina, as follows:

Hospital Licensing Act.

Article 13A. Hospital Licensing Act

Definitions.

SECTION 131-126.1. Definitions. As used in this Article:

"Hospital."

(a) "Hospital" means an institution devoted primarily to the rendering of medical or nursing care, which maintains and operates facilities for the diagnosis, treatment or care of two or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other medical or nursing care is rendered over a period exceeding twenty-four hours.

"Person."

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association; and

includes any trustee, receiver, assignee or other similar representative thereof.

(c) "Governmental unit" means the State, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing. "Governmental unit."

(d) "Commission" means The North Carolina Medical Care Commission as established by Chapter 1096 of the Session Laws of 1945, as amended, and as the same may be hereafter amended. "Commission."

SECTION 131-126.2. Purpose. The purpose of this Article is to provide for the development, establishment and enforcement of basic standards Purpose of Article 13 A.

(1) for the care and treatment of individuals in hospitals and

(2) for the construction, maintenance and operation of such hospitals, which, in the light of existing knowledge, will ensure safe and adequate treatment of such individuals in hospitals, *provided*, that nothing in this Article shall be construed as repealing any of the provisions of Article 27 of Chapter 130 of the General Statutes of North Carolina.

SECTION 131-126.3. Licensure. After July 1st, 1947, no person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital in this State without a license. Licensure of hospitals.

SECTION 131-126.4. Application for License. Licenses shall be obtained from the Commission. Applications shall be upon such forms and shall contain such information as the said Commission may reasonably require, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Each application for license shall be accompanied by the license fee of ten dollars ($10.00), which shall be refunded to the applicant if the license is denied and which shall be paid over into the State Treasury if the license is issued. Application for license. License fee.

SECTION 131-126.5. Issuance and Renewal of License. Upon receipt of an application for license and the license fee, the Commission shall issue a license if it finds that the applicant and hospital facilities comply with the provisions of this Article and the regulations of the said Commission. Each such license, unless sooner suspended or revoked, shall be renewable annually without charge upon filing of the license, and approval by the Commission, of an annual report upon such uniform dates and containing such information in such form as the Commission Issuance of license. Annual renewal of license.

Restrictions concerning license.

shall prescribe by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the Commission.

Display of license.

Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by regulation of the said Commission.

Denial, suspension, revocation of license.

SECTION 131-126.6. Denial or Revocation of License; Hearings and Review. The Commission shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this Article or the rules, regulations or minimum standards promulgated under this Article.

Notice to applicant or licensee of adverse action.

Such denial, suspension, or revocation shall be effected by mailing to the applicant or licensee by registered mail, or by personal service of, a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or licensee, within such

Request for hearing; notice.

thirty-day period shall give written notice to the Commission requesting a hearing, in which case the notice shall be deemed to be suspended. If a hearing has been requested, the applicant or licensee shall be given an opoprtunity for a prompt and fair hearing before the Commission. At any time at or prior to the hearing, the Commission may rescind the notice of denial, suspension or revocation upon being satisfied that the reasons for the denial, suspension or revocation have been or will be removed. On the basis of any such hearing, or upon default of the applicant or licensee the determination involved in the notice may be affirmed, modified, or set aside, by the Commission. A copy of such decision, setting forth the finding of facts and the particular reasons for the decision shall be sent by registered mail, or served personally upon, the applicant or licensee. The decision shall become final thirty days after it is so mailed or served, unless the applicant or licensee, within such thirty-day period, appeals the decision to the court, pursuant to Section 131-126.14 hereof.

Hearing.

Decision by Commission.

Effect of decision.

Appeal to Court.

Procedure governing hearings.

The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by said Commission with the advice of the Hospital Advisory Council. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to Section 131-126.14 hereof. A copy or copies of the transcript may be obtained by an interested party on payment of the cost of preparing such copy or copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the aforesaid rules.

Rules and regulations, standards, for hospitals.

SECTION 131-126.7. Rules, Regulations, and Enforcement. The Commission with the advice of the Hospital Advisory Council, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to the different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of the Article.

Effective date of regulations.

Reasonable time for compliance.

SECTION 131-126.8. Effective Date of Regulations. Any hospital which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under this Article shall be given a reasonable time, not to exceed one year from the date of such promulgation, within which to comply with such rules and regulations and minimum standards.

Inspections of hospitals.

SECTION 131-126.9. Inspections and Consultations. The Commission shall make or cause to be made such inspections as it may deem necessary. The Commission may delegate to any State officer, agent, board, bureau or division of State Government authority to make such inspections as the Commission may designate and according to rules and regulations promulgated by the Commission. The Commission may revoke such delegated authority in its discretion and make its own inspections according to the powers granted hereunder. The Commission may prescribe by regulations that any licensee or prospective applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the Commission for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Regulations as to alterations, additions, construction, hospital facilities.

Hospital Advisory Council.

SECTION 131-126.10. Hospital Advisory Council. The Commission may appoint a Hospital Advisory Council which shall consist of the Executive Secretary of the Commission who shall serve as chairman ex-officio, the Commissioner of the State Board of Public Welfare, Ex-Officio, the State Health Officer, Ex-Officio, the Superintendent of Mental Hygiene, Ex-Officio, and the following: One or more individuals of recognized ability in the field of hospital administration; One or more individuals of recognized ability in the fields of medicine and surgery, nursing, welfare, public health, architecture, or allied professions in the field of health; One or more individuals with broad civic interests representing consumers of hospital services.

Membership.

Terms.

In each of these three aforesaid groups, members shall be appointed for terms of one, two, three and four years resepectively, and their successors shall be appointed for terms of four years, except when appointed to complete an unexpired

Per diem and travel expenses.

term. Members whose terms expire shall hold office until appointment of their successors. The members of the Hospital Advisory Council to the North Carolina Medical Care Commission shall receive a per diem of seven dollars ($7.00) and necessary travel expenses except that this shall not apply to members of the Hospital Advisory Council who are representatives of a State agency or department and who receive a regular salary paid by appropriations to their agency or department; but such representatives of such State agencies or departments shall be entitled to necessary subsistence and travel expenses.

Functions of Hospital Advisory Council.

SECTION 131-126.11. Functions of Hospital Advisory Council. The Hospital Advisory Council shall have the following responsibilities and duties:

(a) To consult and advise with the Commission in matters of policy affecting administration of this Article, and in the development of rules, regulations and standards provided for hereunder.

(b) To review and make recommendations with respect to rules, regulations and standards authorized hereunder prior to their promulgation by the Commission as specified herein. The Council shall meet not less than once each year, and additionally at the call of the chairman or at the request of any five of its members.

Confidential status of information received by Commission.

SECTION 131-126.12. Information Confidential. Information received by the Commission through filed reports, inspection, or as otherwise authorized under this Article, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure or the denial, suspension or revocation of a license.

Annual report of Commission.

SECTION 131-126.13. Annual Report of Commission. The Commission shall prepare and publish an annual report of its activities and operations under this Article.

Judicial review of Commission's decisions.

SECTION 131-126.14. Judicial Review. Any applicant or licensee who is dissatisfied with the decision of the Commission as a result of the hearing provided in Section 131-126.6 may, within thirty (30) days after the mailing or serving of

Notice of appeal to Superior Court.

notice of the decision as provided in said Section, file a notice of appeal to the Superior Court in the Office of the Clerk of the Superior Court of the county in which the hospital is located or to be located, and serve a copy of said notice of appeal

Transcript of record filed.

upon the Commission. Thereupon the Commission shall promptly certify and file with the court a copy of the record and decision, including the transcript of the hearings on which

Legal status of Commission's findings of fact.

the decision is based. Findings of fact by the Commission shall be conclusive unless contrary to the weight of the evidence

but upon good cause shown the court may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of facts or decision. The court shall have power to affirm, modify or reverse the decision of the Commission and either the applicant or licensee or the Commission may appeal to the Supreme Court. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved, except as the court shall otherwise order in the public interest.

Powers of Court.

Status of applicant or licensee, pending final decision.

SECTION 131-126.15. Penalties. Any person establishing, conducting, managing, or operating any hospital without a license shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not more than fifty dollars ($50.00) for the first offense and not more than five hundred dollars ($500.00) for each subsequent offense, and each day of a continuing violation after conviction shall be considered a separate offense.

Punishment for violations.

SECTION 131-126.16. Injunction. Notwithstanding the existence or pursuit of any other remedy, the Commission may, in the manner provided by law, maintain an action in the name of the State for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license.

Injunction.

SECTION 131-126.17. Severability. If any provision of this Article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Article which can be given effect without the invalid provision or application, and to this end the provisions of the Article are declared to be severable; *Provided,* that the provisions of this Article shall apply only to those hospitals eligible for, or which may become eligible and apply for, Federal or State funds, grants-in-aid, financial and other types of assistance according to the provisions of Article 13 of Chapter 131 of the General Statutes, as amended, and Public Law 725 of the 79th Congress, approved August 13th, 1946, entitled the Hospital Survey and Construction Act, as amended, *provided,* further that the Commission is authorized to promulgate reasonable rules and regulations fixing the procedure by which any hospital or hospitals not covered by the provisions of this Article by reason of the above proviso, may voluntarily become subject to the provisions of this Article.

Partial invalidity provision.

ARTICLE 13B. Additional Authority of Subdivisions of Government to Finance Hospital Facilities

Authority of government units to finance hospital facilities.

Definitions.

SECTION 131-126.18. Definitions. As used in this Article:

"Municipality."

(a) "Municipality" means any county, city, town or other political subdivision of this State.

"Municipal."

(b) "Municipal" means pertaining to a municipality as herein defined.

"Hospital Facility."

(c) "Hospital Facility" means any type of hospital, clinic or public health center, including relating facilities such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals.

"Non-profit association."

(d) "Non-profit association" means any corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

Purpose of Article 13 B.

SECTION 131-126.19. Purpose. It is the purpose of this Article to confer additional authority upon municipalities for the furnishing of hospital, clinic and similar services to the people of this State, through the construction, operation, and maintenance of hospital facilities and otherwise; and to this end to authorize municipalities to cooperate with other public and private agencies and with each other, and to accept assistance from agencies of this State or the Federal Government or from other sources. This Article shall be liberally construed to effect these purposes.

General powers of municipalities in construction, etc., of hospital facilities.

SECTION 131-126.20. General Powers of Municipalities in the Construction, Acquisition, Operation, and Maintenance of Hospital Facilities.

(a) In addition to authority provided by existing laws, every municipality is authorized, out of any appropriations or other moneys made available for such purposes, to construct, operate, and maintain hospital facilities. For such purposes the municipality may use any available property that it may now or hereafter own or control and may, by purchase, grant, gift, devise, lease, condemnation or otherwise, acquire real or personal property or any interest therein. The municipality may make reasonable charges for the use of any such hospital facilities or may make them available without charge to such classes of persons as it considers necessary or desirable to carry out the purposes of this Article.

(b) Any municipality may, by purchase, gift, devise, lease, condemnation or otherwise, acquire any existing hospital facilities.

(c) Any municipality may enter into a contract or other arrangement with any other municipality or other public agen-

cy of this or any other State or of the United States or with any individual, private organization or non-profit association for the provision of hospital, clinic, or similar services. Pursuant to such contract or other arrangement, the municipality may pay for such services out of any appropriations or other moneys made available for such purposes. A municipality may lease any hospital facilities to any non-profit association on such terms and subject to such conditions as will carry out the purposes of this Article.

Power of municipality to vest authority for establishment, etc., of hospital facilities in Board of Managers.

SECTION 131-126.21. Board of Managers. Any authority vested by this Article in the municipality for the planning, establishment, construction, maintenance or operation of hospital facilities may be vested by resolution of the governing body of the municipality in an officer or board or other municipal agency whose powers, duties, compensation, and tenure shall be prescribed in the resolution; *provided,* however, that the expense of such planning, establishment, construction, maintenance or operation shall be a responsibility of the municipality.

Expenses, municipal responsibility.

Appropriations and taxation.

SECTION 131-126.22 Appropriations and Taxation.

(a) The governing body of any municipality having power to appropriate and raise money is hereby authorized to appropriate and to raise by taxation and otherwise sufficient moneys to carry out the provisions and purposes of this Article.

Election for approval of tax levy.

(b) Notwithstanding any constitutional limitation or limitation provided by any general or special law, taxes may be levied by the governing body of a municipality for the special purposes of this Article, for which special approval is hereby given, *provided* that the levy of such taxes is approved by a majority of the qualified voters of such municipality in an election held for this purpose. Such election as to counties may be held at the same time and in the same manner as elections held under the provisions of Article 9 of Chapter 153 of the General Statutes, the same being designated as the County Finance Act, beginning with Section 153-69 of the General Statutes and Sections following, or such election as to cities and towns may be held under the Municipal Finance Act, the same being Article 28 of Chapter 160 of the General Statutes, beginning with Section 160-377 of the General Statutes and Sections following, or said elections may be held at any time fixed by the governing body of the municipality.

Conduct of elections.

Financing cost of construction, etc.

SECTION 131-126.23. Financing Cost of Construction, Acquisition and Improvement; Bond Issues.

(a) The cost of planning and acquiring, establishing, de-

veloping, constructing, enlarging, improving, or equipping any hospital facility or the site thereof may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds or other obligations of the municipality as the governing body of the municipality shall determine. For such purposes a county may issue general obligation bonds, as authorized by the County Finance Act, the same being Article 9 of Chapter 153 of the General Statutes and a city or town as authorized by the Municipal Finance Act, the same being Subchapter III of Chapter 160 of the General Statutes and consisting of Articles 25, 26, 27, 28, 29, 30, 31 and 32 of Chapter 160 of the General Statutes, and any municipality may issue revenue bonds as authorized by Article 34 of Chapter 160 of the General Statutes, the same being designated as the Revenue Bond Act of 1938.

Issuance of bond.

Elections for approval of bond issues.

(b) Notwithstanding any limitations provided by the Constitution or by any general or special law as to the amount of bonds or obligations that may be issued, a municipality may issue bonds or obligations in excess of any such limitations for the purposes authorized by this Article; *provided*, that such amount in excess of such constitutional limitation is referred to and approved by a majority of the qualified voters of said municipality voting in an election on such question.

Tax levies.

(c) Notwithstanding any constitutional limitation or limitation provided by any general or special law, taxes may be levied by the governing body of a municipality for the purpose of financing the cost of operation, equipment and maintenance of any hospital facility authorized by this Article; and the special approval of the General Assembly is hereby given for the levying of taxes for such purposes; *provided*, that the levy of such taxes is approved by a majority of the qualified voters of such municipality in an election held for such purpose. The rate or amount of such taxes for which a levy may be made hereunder shall be determined by the governing body of the municipality; and a ballot shall be furnished to each qualified voter at said election, which ballot may contain the words "For Hospital Facility Maintenance Tax (Briefly stating any other pertinent information)," and "Against Hospital Facility Maintenance Tax (Briefly stating any other pertinent information)," with squares in front of each proposition, in one of which squares the voter may make a cross mark (X); but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Subsection. Such election as to counties may be held at the same time and in the same manner as elections held under Article 9 of Chapter 153 of the General Statutes, the same being designated as the County Finance Act, beginning with Section 153-69 of the

Election for approval of tax levy.

Form of ballots.

Conduct of elections.

General Statutes and Sections following, or such election as to cities and towns may be held under the Municipal Finance Act, the same being Article 28 of Chapter 160 of the General Statutes, beginning with Section 160-377 of the General Statutes and Sections following, or said elections may be held at any time fixed by the governing body of the municipality. The question of levying a tax for the operation and maintenance of hospital facilities as provided by this Subsection may be submitted at the same time the question of issuing bonds is submitted as provided in this Article or the question of a levy of taxes for operation and maintenance purposes may be submitted in a separate election according to the discretion and judgment of the governing body of the municipality.

Condemnation proceedings.

SECTION 131-126. 24. Condemnation. In the condemnation of property authorized by this Article, the municipality shall proceed in the manner provided in Chapter 40 of the General Statutes of North Carolina, or the charter of the municipality. For the purpose of making surveys and examinations relative to any condemnation procedures, it shall be lawful to enter upon any land doing no unnecessary damage. Notwithstanding the provisions of any other statute or of any applicable municipal charter, the municipality may take possession of any property to be condemned at any time after commencement of the condemnation procedure. The municipality shall not be precluded from abandonment of the condemnation of any such property in any case where possession thereof has not been taken.

Federal and State aid.

SECTION 131-126.25. Federal and State Aid.

Power of municipality or non-profit association to receive and expend funds.

(a) Every municipality or non-profit association is authorized to accept, receive, receipt for, disburse and expend Federal and State moneys and other moneys, public or private, made available by grant, loan, gift or devise, to accomplish, in whole or in part, any of the purposes of this Article. All Federal moneys accepted under this Section shall be accepted and expended by a municipality or non-profit association upon such terms and conditions as are prescribed by the United States and as are consistent with State law; and all State moneys accepted under this Section shall be accepted and expended by the municipality or non-profit association upon such terms and conditions as are prescribed by the State and/or North Carolina Medical Care Commission. Unless otherwise prescribed by the agency from which such moneys were received, the chief financial officer of the municipality shall, on its behalf, deposit all moneys received pursuant to this Section and shall keep them in separate funds designated according to the purposes for which the moneys were made available, in trust for such purposes.

Segregation of funds.

Grants-in-aid by N. C. Medical Care Commission.

(b) Out of funds made available by the State, the North Carolina Medical Care Commission shall make grants-in-aid, as provided in this Subsection, to municipalities and/or non-profit associations to acquire real estate and construct thereon hospital facilities, including the reconstruction, remodeling or addition to any hospital facilities which have been or may be acquired by such municipalities and/or non-profit associations for use as community hospitals. The amount of State funds to be granted hereunder shall be determined in each case by the North Carolina Medical Care Commission in accordance with standards, rules and regulations as determined by the North Carolina Medical Care Commission.

Application for grant-in-aid.

Application for a grant under this Subsection shall be made to the North Carolina Medical Care Commission by any municipality, acting separately or with one or more other municipalities, or by any non-profit association, on such forms and in such manner as may be prescribed by the North Carolina Medical Care Commission. The North Carolina Medical Care Commission may establish such reasonable requirements for approval as it deems necessary or desirable to effectuate the purposes of this Article. The North Carolina Medical Care Commission shall give preference to applications in accordance with their priority in the hospital construction program established pursuant to the Federal Hospital Survey and Construction Act.

Preferences to certain applications.

Mutual aid by municipalities, non-profit associations.

SECTION 131-126.26. Mutual Aid. If the governing body of any municipality determines that the public interest and the interests of the municipality will be served by assisting any other municipality or municipalities or non-profit association or non-profit associations in exercising the powers and authority granted by this Article, such municipality may furnish assistance by gift of real or personal property, or lease or loan thereof with or without rental or charge, or by gift, of money, or loan thereof with or without interest. In appropriating such property or money and providing for such assistance by taxation, the issuance of bonds, or other means, the municipality may exercise all of its powers as though used for its own direct purposes as provided in this Article.

Exercise of powers granted, jointly with another municipality.

SECTION 131-126.27. Joint Operations. All powers, privileges and authority granted to any municipality by this Article may be exercised and enjoyed jointly with any other municipality. To this end any two or more municipalities may enter into agreements with each other for the acquisition, construction, improvement, maintenance, or operation of hospital facilities. Such agreement may provide for:

Agreements between municipalities.

Provisions.

(a) The appointment of a board, composed of representatives of the parties to the agreement, to supervise and manage such hospital facilities;

(b) The authority and duties of such board and the compensation of its members;

(c) The proportional share of the costs of acquisition, construction, improvement, maintenance, or operation of the hospital facilities and the provision of funds therefor;

(d) Duration, amendment, and termination of the agreement and the disposition of property on its termination; and

(e) Such other matters as are necessary or desirable in the premises.

Powers granted by Act, for public purpose.

SECTION 131-126.28. Public Purpose; County and Municipal Purpose. The acquisition of any land or interest therein pursuant to this Article, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, and regulation of hospital facilities and the exercise of any other powers herein granted to municipalities, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity; and in the case of any county, are declared to be a county functions and purposes as well as public and governmental; and in the case of any municipalities other than a county, or declared to be municipal functions and purposes as well as public and governmental. All land and other property and privileges acquired and used by or on behalf of any county or other municipality in the manner and for the purpose enumerated in this Article shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity, and for county or municipal purposes, respectively.

County purpose.

Municipal purpose.

Implied incidental powers.

SECTION 131-126.29. Implied Incidental Powers. In addition to the general and special powers conferred by this Article, every municipality is authorized to exercise such powers as are necessarily incidental to the exercises of such general and special powers. All powers granted by this Article to municipalities are specifically declared to be granted to the counties of this State, any other statute to the contrary notwithstanding.

Partial invalidity provision.

SECTION 131-126.30. Severability. If any provision of this Article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not effect the provisions or application of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Short title.

SECTION 131-126.31. Short Title. This Article may be cited

as the "Municipal Hospital Facilities Act."

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Emergency declared.

SEC. 8. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 789 CHAPTER 934

AN ACT CREATING THE SCUPPERNONG DRAINAGE DISTRICT.

The General Assembly of North Carolina do enact:

Creation of Scuppernong Drainage District, Washington County.

SECTION 1. There is hereby created a drainage district to be known as the Scuppernong Drainage District in Washington County, comprising all the lands within the following boundaries:

Boundaries described.

Beginning at a point on the Scuppernong River where it is crossed by the Lake Phelps Road, a point known as Spruills Bridge; running thence Northwesterly along the Lake Phelps Road to the Norfolk & Southern Railroad; thence Northwesterly along the Norfolk & Southern Railroad 23,400 feet more or less to a point where an old abandoned tramroad known as Arbuckles Tram joined the Norfolk & Southern tracks; thence Southwesterly with said Arbuckles Tram and with a line extended therefrom 28,700 feet more or less to a point where a water course locally known as the Bull Pond is crossed by the Newland Road; thence Southeasterly 10,800 feet more or less to a point on the North shore of Lake Phelps which is approximately the Southern terminus of a Reed Footway; thence Easterly along the North shore of Lake Phelps to a point midway between the Mountain Canal and the 30 foot Canal; thence Northeasterly along a line one-half mile Southeast of and parallel to the Mountain Canal 24,500 feet more or less to the Lake Phelps Road 2,600 feet more or less to the point of beginning, containing 19,540 acres more or less.

Appointment of Drainage Commissioners.

Terms.

Vacancies filled.

SEC. 2. The Clerk of the Superior Court of Washington County shall appoint three landowners in the district as Drainage Commissioners, to act for the term of three years from and after the first day of June, 1947. Thereafter commissioners shall hold office for a term of three years to be appointed by the said Clerk of the Superior Court. In the event that any of said commissioners resign or for any reason

become incapacitated and unable to serve during their term, then their successors shall be appointed by the Clerk of the Superior Court, to serve during the unexpired part of the said term. All acts done by said commissioners shall be done in the name of the Scuppernong Drainage District. The vote of a majority shall control.

Official action by Commissioners.

SEC. 3. Said district shall have full power and authority to sue and be sued, to make and enter into contracts for the drainage of land and all other contracts incidental thereto, to maintain the drainage works of said district, to make assessments, and shall have all other powers of a drainage district as are now provided by the laws of the State of North Carolina in Article 5, Subchapter III of Chapter 156 of the General Statutes of North Carolina, which are not in conflict with the provisions of this Act.

Powers.

SEC. 4. The said commissioners shall meet and shall fairly assess the benefits to each separate parcel of land in the said district (in such amount as they shall deem to be just and equitable) for the purpose of raising money to provide the main drainage outlets for said drainage district, including the opening of Scuppernong River and its tributaries, and the maintenance of the same.

Assessments.

SEC. 5. After the assessment is made by said commissioners, they shall mail a notice to the last known post office address of each property owner within said district, giving the date of the assessment, the amount thereof, and notify him to appear before a meeting of the said commissioners at the Courthouse in Plymouth on a date to be fixed in said notice not later than thirty days from the date of said notice and object or except to said assessment, if any objection he has. If objection is made by any property owner, and an agreement is not made, he may appeal to the Superior Court of Washington County from said assessment in the manner provided by Article 5, Subchapter III, of Chapter 156 of the General Statutes. All assessments made by said drainage commissioners shall be in full force and effect from and after the date of the hearing in the County Courthouse of Washington County. In case of an appeal by any objectors and the assessment is confirmed by the Superior Court the said assessment shall be in full force and effect from the said date. After the hearing as above provided for, the said commissioners shall make and sign an order showing what assessments theretofore made by them are ratified, approved and confirmed.

Notice of assessments.

Appeal from assessment to Superior Court.

Effective date of assessments.

Effect of confirmation of assessment by Court.

Order showing assessments confirmed.

SEC. 6. It shall then be the duty of said commissioners to make up and prepare an assessment roll or assessment sheet on which shall appear the name of the person assessed, the number of acres of his land assessed, the approximate location

Preparation of assessment roll.

thereof, and the total amount of the assessment against said land, which said assessment roll or sheets shall be placed in the hands of the Tax Collector of Washington County for collection. The assessments may in the discretion of the commissioners, be made collectible in one or more annual installments. The bank acting as County Treasurer shall act as Treasurer of said district.

Assessment roll placed with Tax Collector.

Installment payments.

Treasurer of District.

SEC. 7. The amount of the assessment, as shown on the said assessment roll or sheet, shall be a lien on the property against which it is assessed from the time the said sheet is placed in the hands of the tax collector, who shall make a notation thereon showing said time and date, and shall have the same force and effect as a tax lien, and shall be collected in the same manner as is provided under the general laws of the State of North Carolina for the collection of taxes.

Lien of assessment.

Collection.

SEC. 8. Except as they may conflict with the provisions of this Act, the provisions of Article 5, Subchapter III, of Chapter 156 of the General Statutes, and amendments thereto, shall be applicable to the Scuppernong Drainage District, but no bonds shall be issued by said district, and the work done in said district shall be paid for out of the assessments levied for such purpose.

Application of G. S., Ch. 156, Subchapter III, Art. 5.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 823 CHAPTER 935

AN ACT TO AMEND SECTION 156-81 OF CHAPTER 156 OF THE GENERAL STATUTES RELATING TO THE ELECTION OF DRAINAGE COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 156-81 of Chapter 156 of the General Statutes be and the same is hereby amended by adding at the end of Subsection (1) a new paragraph to read as follows:

G. S. § 156-81, amended.

In lieu of the above method of election of drainage commissioners, the Clerk of the Superior Court may, in his discretion, appoint such drainage commissioners and such drainage commissioners so appointed by the clerk shall have the same authority as if they had been elected by the method above described.

Alternative method of appointing drainage commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 838 CHAPTER 936

AN ACT TO AMEND SECTION 109-32 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CASH DEPOSIT IN LIEU OF BOND.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 109-32 of the General Statutes of North Carolina be, and the same is hereby, amended to read as follows: G. S. § 109-32, amended.

In lieu of any written undertaking or bond required by law in any matter, before any Court of the State, the party required to make such undertaking or bond may make a deposit in cash or securities of the State of North Carolina or of the United States of America, of the amount required by law or, in the case of fiduciaries, of the amount of the trust, in lieu of the said undertaking or bond and such deposit shall be subject to all of the same conditions and requirements as are provided for in written undertakings or bonds, in lieu of which such deposit is made. Provision for deposit of cash or certain securities in lieu of bond by fiduciaries.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 814 **CHAPTER 937**

AN ACT TO FIX FEES FOR THE SOLICITOR, JURORS, AND COURT STENOGRAPHER, TO BE TAXED IN BILLS OF COSTS BY THE CLERK; AND TO FIX THE FEES, COSTS, AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Fees, costs, commissions of Clerk of Superior Court, Mecklenburg County.

SECTION 1. Fees, costs and commissions to be charged and collected by the Clerk of Superior Court of Mecklenburg County for services rendered by him shall be as hereinafter set out: *Provided,* that when a fee, cost or commission is not fixed herein such fee, cost or commission shall be charged as set out in Chapter 523 of the Public-Local Laws of 1937 if provided therein; if not, then as set out in the General Statutes of North Carolina, and the fees, costs and commissions herein set out shall be charged and collected by the Clerk of Mecklenburg County.

Application of other laws in cases not covered by this Act.

Adoption proceedings.

SEC. 2. Adoptions—Entire proceeding, and recording, same before the Clerk of Superior Court, fifteen dollars ($15.00).

Appeals from clerk or other court.

SEC. 3. Appeal, docketing from clerk or any other court, one dollar ($1.00) for one defendant, ten cents (10c) for each additional defendant.

Appeal to Supreme Court.

SEC. 4. Appeal to Supreme Court, including certificate and seal, two dollars ($2.00).

Appointment of administrator, etc.

SEC. 5. Appointments, administrator or guardian, application and preliminary inventory, bond, oath, order of appointment and original letter, five dollars ($5.00). Each additional letter fifty cents (50c).

Fees for auditing accounts of fiduciaries.

SEC. 6. Fees for auditing accounts of executors, administrators, et cetera, auditing annual or final accounts of receivers, executors, administrators, administrators with will annexed, collectors, surviving partners, guardian, trustees for incompetents, and trustees under wills, the fee shall be fifty cents (50c) for each one hundred dollars or a fraction thereof of the total receipts and disbursements through one thousand dollars and ten cents ($1,000.10) per each one hundred dollars ($100.00) or fraction thereof on everything above one thousand dollars ($1,000.00), but in no instance shall the fee be less than one dollar and fifty cents ($1.50) nor more than one hundred dollars ($100.00) for each year, plus recording. *Provided* that when stocks and bonds or any other personal property is delivered to any heir, distributee, legatee, or devisee, without converting the same into cash these fees shall be computed and charged on same just as though they had

been converted into cash, the value of said stocks, bonds, et cetera to be fixed as of the date of death or qualification of the fiduciary, the fee to be charged by the clerk at time of filing either annual or final account.

Auditing accounts of mortgagees and trustees.

SEC. 7. Accounts of trustees and mortgagees: auditing final accounts of trustees and mortgagees or other persons, firms or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) through one thousand dollars ($1,000.00), and five cents (5c) for each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00); *provided,* the minimum fee shall be not less than one dollar and fifty cents ($1.50) and *provided,* the maximum fee shall be not more than twenty-five dollars ($25.00).

Automobile tax report.

SEC. 8. Automobile tax report, fifty cents (50c).

Bill of costs.

SEC. 9. Bill of costs, preparing, one dollar ($1.00).

Bond or recognizance.

SEC. 10. Bond or recognizance, including justification for all bonds not otherwise provided for, one dollar ($1.00).

Costs bond.

SEC. 11. Bond: prosecution bond for costs, including justification, fifty cents (50c).

Capias.

SEC. 12. Capias: each defendant, one dollar ($1.00), whether defendant is arrested or not.

Caveat to will.

SEC. 13. Caveat to wills: entering and docketing the same for trial, two dollars and fifty cents ($2.50); and ten cents (10c) for entering on cross index as to each party in the proceeding.

Certificate and seal.

SEC. 14. Certificate and seal: fifty cents (50c), except when it is a charge against the county, and in that instance, no fee shall be charged.

Issuing commissions.

SEC. 15. Commissions: appointing and issuing, fifty cents (50c), without seal.

Commissions on certain collections.

SEC. 16. Commissions: five per cent (5%) commissions shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office.

Commissions on funds held by clerk.

SEC. 17. Commissions: the clerk shall receive three per cent (3%) on all sums of money placed in his hands by virtue of his office, except on judgments, decrees and executions.

Copies of records.

SEC. 18. Copies of records verifying, twenty-five cents (25c) per page and fifty cents (50c) additional for certificate and seal.

Return on sale by commissioner.

SEC. 19. Commissioners: return on sale by commissioner when fund is turned over to a fiduciary, one dollar ($1.00).

Confirmation of sale.

SEC. 20. Confirmation of sale: when signed by the clerk or judge, one dollar ($1.00).

Probate of deed.

SEC. 21. Deed: probate of deed, deed of trust, mortgage, etc., twenty-five cents (25c) for each certificate.

Divorce, alimony and annulment actions.

SEC. 22. Divorce, alimony and annulment actions: Non-contested. Total clerk's fee through rendition and docketing of judgment, and sheriff's fee when not over one dollar ($1.00), eighteen dollars ($18.00), to be paid at time action is instituted. The fee of eighteen dollars ($18.00) includes the true copy stamp and seal on two copies of judgment, but does not include the copying of the judgment.

Dower.

SEC. 23. Dower: issuing writ of dower, two dollars ($2.00).

Ex-parte proceedings.

SEC. 24. Ex-parte proceedings: docketing, one dollar ($1.00).

Execution, regular.

SEC. 25. Execution: regular form, issuing, and docketing return of sheriff, two dollars ($2.00).

Execution to another county.

SEC. 26. Execution: issuing to another county, one dollar and seventy-five cents ($1.75).

Filing papers.

SEC. 27. Filing papers: ten cents (10c) for each paper filed.

Notice of removal of guardian.

SEC. 28. Guardian: notifying solicitor of removal of guardian, one dollar ($1.00).

Hearing before Clerk.

SEC. 29. Hearing before the clerk, one dollar ($1.00) per hour for each hour; minimum fee to be not less than one dollar ($1.00).

Indexing.

SEC. 30. Indexing all matters, ten cents (10c) each time indexed.

Docketing indictment.

SEC. 31. Indictment: docketing for each person in bill, forty cents (40c).

Certificate on bill of indictment.

SEC. 32. Indictment: certificate on bill of indictment, fifty cents (50c).

Inventory of administrator, and other fiduciaries.

SEC. 33. Inventory of administrator, administrators with will annexed, receivers, surviving partners, executors, guardians, collectors, trustees for incompetents, and trustees under will, regular form, one dollar ($1.00), each additional sheet, fifty cents (50c).

Corporation certificate; limited partnerships.

SEC. 34. Corporation certificate and limited partnerships: recording first four pages three dollars ($3.00), including the certificate of Secretary of State, plus fifty cents (50c) for

each additional page or fraction thereof. Minimum fee three dollars ($3.00).

Qualifying Justice of Peace.

SEC. 35. Justices of the peace: qualifying, fifty cents (50c).

Docketing judgment.

SEC. 36. Judgment: docketing judgments, one dollar ($1.00).

Certificate of satisfaction of judgment.

SEC. 37. Judgment: each certificate of satisfaction or docket entries with seal, seventy-five cents (75c).

Final judgment.

SEC. 38. Judgment: final judgment in all civil actions, one dollar ($1.00), whether signed by clerk or judge.

Judgment by confession.

SEC. 39. Judgment: by confession, without notice, all services, three dollars ($3.00).

Judgment nisi.

SEC. 40. Judgment nisi: recording each, fifty cents (50c).

Impaneling jury.

SEC. 41. Jury: impaneling, twenty-five cents (25c).

Jury tax.

SEC. 42. Jury tax: five dollars ($5.00) minimum, to be taxed in every case appearing on the trial docket with five dollars ($5.00) additional to be charged for each additional day or fraction thereof.

Liens and lis pendens.

SEC. 43. Lien and Lis Pendens: Minimum fee one dollar and fifty cents ($1.50) for one page. Fifty cents (50c) each additional page.

Motion.

SEC. 44. Motion: entry and record of, twenty-five cents (25c).

Notice and order.

SEC. 45. Notice and order: all notices and orders, whether signed by judge or clerk, one dollar ($1.00).

Qualifying Notary Public.

SEC. 46. Notary Public: qualifying, indexing, and notification to Governor, one dollar ($1.00).

Registering certain professional persons.

SEC. 47. Nurses, doctors, and pharmacists: registering, including certificate and seal, one dollar ($1.00).

Certificate of partnership.

SEC. 48. Partnership: probate of regular certificate and recording same, one dollar ($1.00).

Appointment of process agent, recording.

SEC. 49. Process Agent: recording appointment of process agent for nonresident, one dollar ($1.00).

Presentment.

SEC. 50. Presentment: each defendant, in same, one dollar ($1.00).

Recording.

SEC. 51. Recording: double space, fifty cents (50c) per page; single space, one dollar ($1.00) per page.

Filing renunciation of right to administer.

SEC. 52. Renunciation of right to administer or qualify a fiduciary, receiving, filing and noting same, fifty cents (50c).

Transcript of records.

SEC. 53. Record: transcript of any matter of record or papers on file, one dollar ($1.00) per page.

Stating account as referee.

SEC. 54. Referee: stating any account as referee, pursuant to order of the judge, such allowance as the judge may make.

Docketing summons.

SEC. 55. Summons: docketing one name, twenty-five cents (25c). Ten cents (10c) each additional defendant.

Issuing summons.

SEC. 56. Summons: issuing original in any action, one dollar ($1.00).

Copy of summons.

SEC. 57. Summons: every copy of same, twenty-five cents (25c).

Seal of office.

SEC. 58. Seal office: twenty-five cents (25c).

Subpoena.

SEC. 59. Subpoena: each name in same, twenty-five cents (25c).

Court stenographer's fee.

SEC. 60. Stenographer: court stenographer, a minimum of two dollars and fifty cents ($2.50) to be charged in all civil and criminal cases. Maximum charge ten dollars ($10.00) per day, in any one case.

Transcript of judgment to another county.

SEC. 61. Transcript: issuing transcript of judgment to another county, one dollar ($1.00).

Transcript on issues of law.

SEC. 62. Transcript on issues of law joined, one dollar ($1.00).

Probate, etc., of wills.

SEC. 63. Wills: executed, holograph and nuncupative. Application for probate, examination of witnesses, one verified copy of will to executor, order of probate, notices to beneficiaries, indexing two names (ten cents (10c) per name over two), and recording will, if will not over three pages, seven dollars and fifty cents ($7.50). For each additional page or fraction thereof, one dollar ($1.00). Qualifying as executor three dollars ($3.00).

Widow's year's support.

SEC. 64. Widows' year's support: docketing one dollar ($1.00).

No jury tax when clerk signs judgment.

SEC. 65. No jury tax to be charged in civil cases when clerk signs judgment.

No fees to excused jurors.

SEC. 66. That whenever any regular juror summoned for the beginning of any term of court is excused by the judge on the convening of court, he shall not receive any compensation for attending as such juror.

Solicitor's fees, criminal cases.

SEC. 67. Solicitor's fees: in all criminal cases as follows: assault with deadly weapon and gambling, eight dollars ($8.00); violation of prohibition laws, speeding and reckless

driving, operating car while drunk, twelve dollars ($12.00); larceny, assault with deadly weapon with intent to kill, false pretense, fifteen dollars ($15.00); store breaking and larceny, house breaking and larceny, forgery, embezzlement, twenty dollars ($20.00); manslaughter, forty dollars ($40.00).

Power of judge to strike out jury tax and stenographer's fee, certain cases.

SEC. 68. Criminal cases: the judge, in his discretion, may strike out jury tax and court stenographer's fee, either or both, when the defendant pleads guilty, and jury is not impaneled and court stenographer does not begin the taking of evidence. If trial is begun, jury impaneled and court stenographer started to take evidence, in the event the defendant pleads guilty, without the jury passing upon same, court stenographer and jury tax to be charged according to schedule.

Fees charged by C.S.C., criminal cases, at defendant's cost.

SEC. 69. The foregoing shall be the fees to be charged by the Clerk of the Superior Court of Mecklenburg County in criminal actions wherein the defendant is adjudged to pay the costs, said fees to be taxed by the clerk in the bill of costs against the losing party for the purposes and in the actions enumerated herein.

Application of Act.

SEC. 70. That this Act shall apply to Mecklenburg County only.

Conflicting laws repealed.

SEC. 71. That all laws or clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 72. That this Act shall be effective on and after its ratification.

Collection of fees.

The fees provided herein to be paid to the clerk for services rendered by him, as Clerk of the Superior Court of Mecklenburg County, shall be collected as provided in Section 138-2 of the General Statutes.

Prosecution bond in Special Proceedings.

The clerk may require a prosecution bond in all special proceedings instituted before him and all fees due the clerk for services rendered the parties in special proceedings may be charged and collected in advance.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 845 **CHAPTER 938**

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER WITHIN ONE MILE OF CHURCHES AND SCHOOLS IN BETHANIA TOWNSHIP IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Sale of beer and wine within certain locality in Bethania Township, Forsyth County, prohibited.

SECTION 1. From and after the effective date of this Act, it shall be unlawful for any person, firm, or corporation to sell or offer for sale wine or beer within one mile of the following churches and schools in Bethania Township in Forsyth County, North Carolina: Rural Hall Methodist Church, Rural Hall Moravian Church, Rural Hall Baptist Church, the Moravian Church in the village of Bethania, and the public school at Rural Hall.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 887 **CHAPTER 939**

AN ACT TO AMEND CHAPTER 171, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1893, RELATING TO THE CHARTER OF THE TOWN OF LITTLETON, WARREN-HALIFAX COUNTIES.

The General Assembly of North Carolina do enact:

Sec. 3, Ch. 171, Private Laws, 1893, amended.

SECTION 1. That Section 3 of Chapter 171 of the Private Laws of North Carolina, Session 1893, be amended by striking out all of said Section and inserting in lieu thereof the following:

Election of Mayor and Commissioners, Town of Littleton.

SECTION 1. That there shall be on Tuesday after the first Monday in May, 1947, and biennially thereafter on Tuesday after the first Monday in May, be elected a Mayor and five (5) Commissioners for said Town, who shall hold their offices until their successors are qualified.

Sec. 18, amended.

SEC. 2. That Section 18 of Chapter 171 of the Private Laws of North Carolina, Session 1893, be amended by striking out all of said section and inserting in lieu thereof the following:

SEC. 18. That the Board of Town Commissioners be authorized and empowered to appoint a Town Commissioner, a Treasurer, a Tax Collector, an Accountant, a Town Attorney, a Chief of Police, a Fire Chief, and such other officers and employees as may in their opinion be necessary, and that the said Board may consolidate the duties of any two or more of said officers or positions and impose the performance of such duties of any two or more positions on one person. Such officers or employees shall serve at the pleasure of the Board of Commissioners and shall perform such duties as may be prescribed by the Board. The Board of Commissioners is authorizeed to fix all salaries of its officers and employees and to require such bonds or oaths of office as they deem necessary:

Appointment of town officers and employees.

Terms.

Salaries.

Provided, that Sections 1 and 2 hereof shall not be effective unless approved by the qualified voters of the Town at the regular election held on Tuesday after the first Monday in May, 1947. The question as to the adoption of Sections 1 and 2 shall be stated separately on the ballot, and either of said sections, or both, which shall receive a favorable vote of the majority of the votes cast, shall become effective immediately after said election.

Effectiveness of Sections 1 and 2 subject to election.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 903 **CHAPTER 940**

AN ACT TO ESTABLISH BRYSON CITY, NORTH CAROLINA, AS A BIRD SANCTUARY.

The General Assembly of North Carolina do enact:

SECTION 1. That the area embraced within the corporate limits of the City of Bryson City, and all lands owned or leased by the City of Bryson City outside the corporate limits, be and the same is hereby designated as a bird sanctuary.

Bryson City designated as bird sanctuary.

SEC. 2. It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established by Section 1 of this Act, any native wild bird; *provided* that it shall be lawful to trap starlings or similar birds or fowls when such birds

Killing native birds within area prohibited.

Lawful to trap certain birds.

or fowls are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property.

Shooting at native wild birds prohibited.

SEC. 3. It shall be unlawful for any person, within the area hereby established to shoot or project any stone, rock, shot or other hard substance by means of a slingshot, air rifle, pop gun, bow, or other similar contrivance, or to fire any pistol, gun or other fire arm at any native wild bird.

Punishment for violations.

SEC. 4. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars ($50.00), or imprisoned not more than thirty days, in the discretion of the court.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 908 CHAPTER 941

AN ACT TO AMEND CHAPTER 86 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES TO VETERANS OF WORLD WAR I OR II WITHOUT REQUIRING AN EXAMINATION UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina do enact:

G. S., Ch. 86, amended, as to regulation of practice of barbering.

SECTION 1. That Chapter 86 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new Section to follow Section 86-11, and to be numbered Section 86-11.1, to read as follows:

Issuance of certificates of registration, without examination, to certain war veterans.

86-11.1. The board shall issue to honorably discharged veterans of World War I or II, who are bona fide residents of North Carolina for at least six months, upon application, certificates of registration to practice barbering by any such veteran without requiring him to take the examination provided for in this Chapter. The application shall be accompanied by a certified or photostatic copy of the honorable discharge of such applicant from the Armed Forces, an affidavit by such veteran that he or she has practiced barbering for a period of three or more years, either in or out of the service,

Application.

Affidavit as to experience as barber, residence.

and that he or she was a resident of North Carolina immediately prior to entering the United States Armed Forces, accompanied by supporting affidavits of two or more unrelated individuals, and a certificate from a physician licensed to practice medicine in this State to the effect that applicant is of good health and is free from any communicable or contagious disease.

Physician's certificate.

The application, honorable discharge, affidavit and health certificate accompanied by the fees prescribed in this Chapter shall be the sole requirement for the issuance to such veterans of a certificate of registration as a registered barber provided for in this Chapter.

Prerequisites for issuance of license.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 919 CHAPTER 942

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WELDON TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN, TO PROVIDE FOR CERTAIN COSTS IN THE WELDON MAYOR'S COURT, AND TO FIX CERTAIN QUALIFICATIONS FOR POLICE OFFICERS OF WELDON.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the Town of Weldon may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

Authority of governing body, Town of Weldon, to establish traffic bureau.

Parking within fifteen feet of fire hydrant

Illegal use of loading zones, bus stops and taxi stands

Double parking

Disregard of stop sign

Obstructing traffic

Other violations of traffic ordinances enumerated in such ordinance.

Offenses within jurisdiction of traffic bureau.

Payment of costs by persons cited for traffic offenses, to traffic bureau.

SEC. 2. Any person, firm or corporation receiving citations for the above offenses may before a warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

All offenses listed above, one dollar ($1.00), first offense; two dollars ($2.00), second offense.

For the third offense in any twelve months period warrant shall be issued.

Submission of plea of guilty for traffic violations.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Weldon to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations; *provided* that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued and the person so charged with such violation or violations shall be tried upon such warrant in the Mayor's Court of Weldon.

Restrictions upon acceptance of pleas by traffic bureau.

Warrant issued upon failure of person cited to appear and plead guilty.

No State tax when final disposition by traffic bureau.

SEC. 4. No state tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

Designation of personnel to operate bureau.

SEC. 5. The mayor shall designate a sufficient number of persons to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any reasonable time and pay the costs provided in this Act.

Cost payable into general fund.

SEC. 6. All costs collected in the traffic bureau shall be paid to the general fund of the town.

Patrol car fee taxed as cost in criminal actions in Mayor's Court, Town of Weldon.

SEC. 7. In every criminal action tried in the Mayor's Court of the Town of Weldon of which action the Mayor's Court has final jurisdiction, an additional sum of two dollars ($2.00) shall be taxed as part of the costs in every case in which the defendant or prosecuting witness or prosecutor is ordered to pay the costs, which said two dollars ($2.00), to be known as the patrol car fee, shall be paid into the general fund of the Town of Weldon, and shall be used to assist in defraying the expense of operating a police patrol car by said town to apprehend criminals and for the general protection of the citizens.

Use of funds.

SEC. 8. It shall not be necessary for any person appointed as a police officer of the Town of Weldon to reside within the corporate limits of the town in order to serve as a police officer.

Residence in Weldon not prerequisite for service as police officers.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 961 CHAPTER 943

AN ACT TO ELIMINATE LEE COUNTY FROM THE EXCEPTIONS TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 9 of Chapter 526 of the Session Laws of 1945 by striking out "Lee County;" in the fourth line of said Section 9.

Ch. 526, Session Laws, 1945, amended; application of Local Governmental Employees Retirement System to Lee County.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 963 CHAPTER 944

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE COUNTY BOARD OF EDUCATION IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Forsyth County shall consist of five members who shall hold office for a term of two years, and until their successors are elected and qualified.

Composition of Board of Education, Forsyth County; terms.

SEC. 2. The members of the Board of Education of Forsyth County who hold said offices on and after the first Monday in April, 1947, shall continue to hold their said offices until the

Incumbents continued in office.

Expiration of terms.

first Monday in December, 1948, and until their successors are elected and qualified.

Nomination of candidates for membership on Education Board.

SEC. 3. At the primary election to be held in Forsyth County in 1948, and biennially thereafter, candidates shall be nominated by each political party at the party primary, at the same time and in the same manner as that in which other county officers are nominated, for members of the County Board of Education to take the place of the members of said board whose terms next expire. Each candidate for nomination for the office of membership on the Board of Education of Forsyth County shall, at the time of filing his notice of candidacy, certify in writing the exact location of his residence and that he is a bona fide resident thereof.

Certificate as to residence.

Election of members at general election.

SEC. 4. The names of the persons so nominated, as herein provided, shall be placed on the official county ballot of Forsyth County to be voted at the general election to be held in said county in the year 1948, and biennially thereafter. The five candidates receiving the highest number of votes shall be declared the nominees of the respective party, and there shall be no second primary election. The members of the Board of Education elected at the general election in the year 1948 shall qualify by taking the oath of office on or before the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after their election and a failure to qualify within that time shall constitute a vacancy.

Qualification and oath of office.

Time for qualification; effect of failure to qualify.

Terms.

SEC. 5. The members of the board elected at the general election in the year 1948 shall hold office for a period of two years from and after the first Monday in December, 1948, and until their successors are elected and qualified.

Vacancies filled.

SEC. 6. All vacancies in the membership of the Board of Education in Forsyth County by death, resignation, or otherwise shall be filled for the unexpired term by the action of the member causing such vacancy. Vacancies in the membership of the board shall be filled by the appointment of some competent person resident in Forsyth County and having the qualifications prescribed by the general laws of North Carolina for members of County Boards of Education.

Terms of members named by General Assembly of 1947.

SEC. 7. The terms of the three persons named by a general Act of this General Assembly of 1947 as members of the Forsyth County Board of Education shall be considered to continue only until the first Monday in December, 1948, and until their successors are elected and qualified, and the terms of this Act shall prevail over any inconsistent provisions of the general Act referred to in this Section.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 970 **CHAPTER 945**

AN ACT TO AMEND CHAPTER 421 OF THE SESSION LAWS OF 1943 RELATING TO THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 421 of the Session Laws of North Carolina of 1943 be and the same is hereby amended to read as follows: Ch. 421, Session Laws, 1943, amended, as to distribution of profits of A.B.C. Stores, Washington County.

From and after January 1st, 1944, ten per cent (10%) of all of the net profits derived from the operation of the Alcoholic Beverage Control Store in the Town of Plymouth in Washington County, shall be paid quarterly to the Town of Plymouth, and ten per cent (10%) all of the net profits derived from the operation of the Alcoholic Beverage Control Store in the Town of Creswell in Washington County shall be paid quarterly to the Town of Creswell. The Washington County Board of Alcoholic Beverage Control shall make quarterly settlements with the above two mentioned towns, and the same shall be placed in the general fund of said towns. If either of said towns shall fail to furnish and provide adequate police protection for the Alcoholic Beverage Control Store in such town, then such town shall receive no payment under the terms of this Act until such time as it shall so provide such adequate police protection. In the event of a dispute as to whether or not any town does furnish and provide adequate police protection for the Alcoholic Beverage Control Store in such town, such facts shall be found by such court as has jurisdiction in any action instituted by such town or by the Washington County Board of Alcoholic Beverage Control, and when so found shall determine the rights of such town to receive payments under the terms of this Act.

Allocation of profits to Town of Plymouth.

Allocation to Town of Creswell.

Quarterly settlements.

Adequate police protection for A.B.C. Store in respective towns, prerequisite for sharing profits.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 973 **CHAPTER 946**

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF KINSTON SO AS TO CREATE THE OFFICE OF CITY MANAGER AND TO PROVIDE FOR AN ELECTION IN RESPECT TO THE ADOPTION THEREOF.

The General Assembly of North Carolina do enact:

Charter of City of Kinston, amended.

SECTION 1. That the charter of the City of Kinston, Lenoir County, be, and the same is hereby, amended by adding thereto the following:

Provision for appointment of City Manager.

(a) The City Council of the City of Kinston shall, by a majority vote of said council after this Act becomes effective, appoint an officer whose title shall be "City Manager," and who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. At the time of his appointment he need not be a resident of the city or State, but during his tenure of office he shall reside within the city. No person elected to membership on the council shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

Basis of selection.

Councilmen not eligible for position.

Term of City Manager.

Procedure for removal.

(b) The city manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the council. At least thirty days before such removal may become effective the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the council, stating the council's intention to remove him and the reasons therefor. The manager may reply in writing to such resolution. If so requested by the manager, the council shall fix a time for a public hearing upon the question of his removal and the final resolution removing the manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the council in removing the manager shall be final. In case of the absence or disability of the manager the council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

Performance of City Manager's duties in case of absence or disability.

Oath.

(c) Before entering upon the discharge of the duties of his

office the city manager shall take an oath that he will faithfully perform such duties and shall execute and file with the city council a bond in favor of the City of Kinston, with an incorporated bonding company or companies licensed to do business in North Carolina as surety or sureties thereon, conditioned upon the faithful discharge by him of such duties. The amount of such bond shall be prescribed by the city council, but in no event shall it be less than ten thousand dollars ($10,000.00), and the premium thereon shall be paid by the city.

Bond.

(d) The city manager shall not be personally interested in any contract to which the city is party for doing any work or supplying materials of any character to the city; nor shall he be a stockholder or interested in any manner in any corporation making or having such a contract with the city, nor shall he engage in political elections, nor take an active part in political campaigns nor attempt to influence the result of State, county, or city elections except by exercise of his right as a citizen to hold his own political views and to cast his own vote.

Personal interest in city contracts, etc., by City Manager, prohibited.

Political activity by City Manager prohibited.

(e) The city manager shall devote his entire time to the duties of his office and shall attend all meetings of the city council and recommend to it from time to time such measures and action as he shall deem necessary or proper, and supply it with all useful or necessary information and details concerning any of the departments or work under his control. He shall have entire charge and control of all of the executive work of the city in its various departments, and shall have and exercise control of the several heads of departments and employees of the city, and shall make all contracts for labor and supplies to be performed for or furnished to the city. He shall see that the laws and ordinances of the city and the resolutions and regulations of the city council are enforced. He shall have power and authority to revoke licenses, pending action thereon by the city council. He shall have power and authority to appoint all subordinate officers and servants of the city and to remove or suspend any officer or servant employed by him, but he shall report such appointment and removal to the city council at its next meeting following any such appointment or removal: *Provided*, that nothing herein contained shall be construed to take from the city council the power and authority to elect the city clerk, tax collector, city attorney or auditor, or to fix their duties so far as authorized by the charter of the city or the laws of the State, and *provided* further that nothing herein contained shall be construed to take from the civil service board, if any, the power and authority to appoint and remove subordinate officers and servants of the city.

Duties and functions of City Manager.

Certain powers retained by City Council.

Powers of Civil Service Board retained.

Further duties of City Manager.

(f) The city manager shall see that all terms and conditions in favor of the city or its citizens imposed by or contained in any public utility franchise are faithfully kept and performed, and, upon discovery or ascertainment of any violation or breach thereof shall in writing bring such violation or breach to the attention of the city council. He shall prepare an annual budget for the consideration of the council and shall keep the council fully advised as to the financial condition and needs of the city. He shall have authority and charge over all public works, the erection of buildings for the city, the construction of all improvements, paving, curbing, sidewalks, streets, bridges and viaducts, and the repair thereof. He shall approve all payrolls and bills against the city for materials furnished, work done or labor performed, except salaries fixed by the city council; all estimates of the cost of public works, and shall have the right to accept or reject work done or improvements made; shall have control over the location of telephone and telegraph poles and wires; and he shall perform such other duties as may be imposed upon him by the city council. His salary shall be fixed by the city council.

Salary.

Effectiveness of Act subject to referendum.

SEC. 2. That this Act shall not become effective until ratified and approved by a majority of the qualified voters of the City of Kinston at an election to be called by the city council of said city and to be held upon a date to be fixed by said city council, but not later than the first day of October, 1947; *provided*, however, that such election shall not be called until and unless a petition requesting the calling and holding of said election shall be presented to the said city council and signed by not less than three hundred persons who shall be at the time of signing, qualified electors of the City of Kinston. For such election the appointment of registrars and other election officials, and the manner of conducting such election shall be as nearly as may be under the same laws, rules and regulations governing the election of a Mayor and Aldermen of the City of Kinston. A ballot shall be furnished to each qualified voter at said election, which ballot shall contain the words "For Amendment Providing for City Manager" and the words "Against Amendment Providing for City Manager," with ballot squares in front of each alternative, in one of which squares the voter may make an (X) mark to indicate whether for or against the proposition submitted. If, at said election, a majority of the votes cast shall be in favor of said amendment, then the said amendment shall be adopted and become a part of the charter of the City of Kinston, but if a majority of the votes cast shall be against the adoption of said amendment, then and in that event the said amendment shall not become a part of the charter of the City of Kinston.

Date of election.

Petition for election.

Conduct of election.

Form of ballots.

Effect of election results.

SEC. 3. If the amendment to the charter of the City of Kinston shall be adopted as herein provided for, then and in that event the said amendment shall become effective and be in full force and effect on the first day of January, 1948.

Effective date of amendment to charter, upon adoption at election.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 977 CHAPTER 947

AN ACT TO AMEND CHAPTER 5 OF THE SESSION LAWS OF 1943 RELATING TO FACILITIES FOR THE ENTERTAINMENT OF THE ARMED FORCES OF THE UNITED STATES, OWNED BY THE TOWN OF WILSON AND WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 5 of the Session Laws of 1943 be, and the same is hereby, amended by adding a new subsection at the end thereof to be designated as subsection (e) to read as follows:

Ch. 5, Session Laws, 1943, amended.

(e). In addition to the authority contained in subsection (d) of this section the governing bodies of the Town of Wilson and the County of Wilson may, in their discretion, rent at such nominal rental as may be agreed upon by veterans service organizations of ex-servicemen of Wilson County and the aforesaid town and county: *Provided,* that all veterans service organizations in said county agree among themselves upon a plan of operation of the property for the benefit of all ex-servicemen in the county upon a basis satisfactory to the governing bodies of the Town of Wilson and Wilson County. Should the service organizations of ex-servicemen in Wilson County fail to agree upon the operation of the center on a basis satisfactory to the governing boards, as aforesaid, then, and in such event, property may be disposed of as is provided in Section 2 of this Act.

Authority of Town of Wilson and Wilson County to rent property for use as Veterans' service center.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 982 CHAPTER 948

AN ACT AUTHORIZING THE GOVERNING BODY OF THE TOWN OF RICH SQUARE IN NORTHAMPTON COUNTY TO LIST AND ASSESS PROPERTY FOR TAXATION LOCATED WITHIN THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Exemption of Town of Rich Square from provisions of ¶ 2 of G. S. § 105-333.

SECTION 1. The Town of Rich Square in Northampton County is exempted from the provisions of the second paragraph of Section 105-333 of the General Statutes.

Listing and assessment of property for municipal taxation, Town of Rich Square.

SEC. 2. For the purpose of municipal taxation, all real and personal property and polls subject to taxation within the corporate limits of the Town of Rich Square shall be listed and assessed pursuant to the machinery set up for the listing and assessing of property by cities and towns situated in two or more counties as set forth in Section 105-334 of the General Statutes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 986 CHAPTER 949

AN ACT TO PROVIDE FOR THE APPOINTMENT, SALARY AND DUTIES OF AN ASSISTANT SOLICITOR FOR THE TENTH JUDICIAL DISTRICT TO ASSIST IN THE PROSECUTION OF THE CRIMINAL DOCKET FOR THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Authority of Durham County Commissioners to appoint attorney to assist District Solicitor.

SECTION 1. The Commissioners of Durham County are hereby authorized and empowered, in their discretion to appoint a competent attorney of Durham County to assist the Solicitor of the Tenth Judicial District in the prosecution of the criminal docket of the Superior Court of Durham County: *Provided*, that no one shall be appointed assistant solicitor under this Act, unless and until he has first been recommended and nominated for the office by the Solicitor of the Tenth Judicial District. Said solicitor is hereby authorized to designate the duties of the assistant solicitor aforesaid.

Recommendation by Solicitor.

SEC. 2. That the first term of the office shall begin July 1, 1947, and end December 31, 1947. Future terms of this office shall begin on January first of each year, and end on December thirty-first of said year. Term of assistant Solicitor.

SEC. 3. That at the end of any term the County Commissioners of Durham County may, in their discretion, leave the office unfilled for the ensuing term, or any portion thereof; but this provision shall not prevent the commissioners from appointing an assistant solicitor, upon the recommendation and nomination of the solicitor, at any time when the office is unfilled under the provisions of this Section; and said appointment shall be for the remainder of the term ending December thirty-first next after said appointment is made. Commissioners authorized to leave office of assistant unfilled. Vacancies filled.

SEC. 4. That the salary of the assistant solicitor shall be fixed by the Board of County Commissioners of Durham County and be paid from the general fund of Durham County. Salary.

SEC. 5. That this Act shall apply only to Durham County. Application of Act.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after the first of July, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 992 CHAPTER 950

AN ACT TO AMEND ARTICLE 24, CHAPTER 7, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ESTABLISHMENT OF A MUNICIPAL RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 7-186 of the General Statutes of North Carolina be amended by adding at the end thereof the following: G. S. § 7-186, amended.

That if and when a Municipal Recorder's Court for the City of Burlington is established under the provisions of this Article, the Recorder thereof shall be appointed by the City Council or other governing body, to serve for a term of two years and until his successor is appointed and qualified, and said governing body of the City of Burlington shall have the full power and authority to appoint and select the said Re- Appointment of Recorder, upon establishment of Municipal Recorder's Court, Burlington. Term.

corder and each successive Recorder appointed thereafter. The said Recorder shall be selected or appointed by the governing body within thirty days from the creation and establishment of said Court. If a vacancy occurs in the office of Recorder at any time, the same shall be filled by the election of a successor for the unexpired term by the governing body of the City of Burlington, at a regular or special meeting called for that purpose.

Vacancy filled.

Sec. 2, Ch. 618, Session Laws, 1945, rewritten.

SEC. 2. That Section 2 of Chapter 618 of the Session Laws of 1945 be rewritten to read as follows:

G. S. § 7-190, amended, as to jurisdiction of Municipal Recorder's Court, Burlington.

SEC. 2. That Section 7-190 of the General Statutes be amended by adding at the end thereof the following:

"Subsection I is amended by adding at the end thereof the following: 'Any municipal recorder's court established in the City of Burlington under the authority of this Article shall have, in addition to the jurisdiction conferred in Sub-section I, jurisdiction in cases of reckless driving and speeding.'

"Subsection 2 shall not apply to any municipal recorder's court established in the City of Burlington; and Subsection 3, insofar as it relates to such court, is amended by striking out the words 'and outside, but within a radius of five miles thereof' in lines 3 and 4."

G. S. § 7-191, amended, as to territorial jurisdiction of Burlington recorder's court.

SEC. 3. That Section 7-191 of the General Statutes, insofar as it relates to any municipal recorder's court established in the City of Burlington, is amended by striking out the words "or outside thereof, within five miles of the corporate limits."

Ch. 618, Session Laws, 1945; G. S. § 7-192; amended.

SEC. 4. That Section 3 of Chapter 618 of the Session Laws of 1945 is repealed; and Section 7-192 of the General Statutes, insofar as it relates to any municipal recorder's court established in the City of Burlington, is amended by striking out the words "Superior Court" in line 7 and inserting in lieu thereof, "the General County Court of Alamance County," and by adding at the end of said section the following: "*Provided*, that all cases constituting felonies shall be bound over to the Superior Court of Alamance County."

Felony cases bound over to Superior Court, Alamance County.

Validation of action by governing body, City of Burlington, in establishment of Municipal Recorder's Court.

SEC. 5. That all resolutions and ordinances of the governing body of the City of Burlington, in establishing a municipal recorder's court, are validated and ratified, notwithstanding that the establishment of said court does not fully comply with the provisions of Section 7-264 of the General Statutes; and all of the acts, judgments, and sentences imposed by the present municipal recorder's court are ratified and validated to the same extent as if said court had been established in full com-

pliance with said section. *Provided,* however, that this section shall in nowise affect any pending cases.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 985 CHAPTER 951

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DURHAM COUNTY TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION OF WHETHER BONDS OF SAID COUNTY SHALL BE ISSUED FOR THE PURPOSE OF ERECTING A PUBLIC LIBRARY FOR THE CITY AND COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Durham County is hereby authorized and empowered, in their discretion, to authorize bonds of said county, in the manner prescribed by and in accordance with the provisions of The County Finance Act, for the acquisition of a site and for the erection of a building and the furnishing of same, to be used as a public library for the City and County of Durham. The order adopted pursuant to The County Finance Act to authorize said bonds shall take effect when approved by a majority of the qualified electors of Durham County at an election as provided in The County Finance Act, and the board of commissioners is hereby authorized and empowered to call a special election for such purpose, and such special election shall be called, held, conducted, and the result thereof canvassed and determined in accordance with the provisions of The County Finance Act. Several orders or other matters may be voted upon at such election.

Bond issue by Durham County for public library, authorized.

Issuance of bonds subject to approval at election.

Conduct of election.

SEC. 2. That if a majority of the qualified electors of Durham County vote in favor of approving the order authorizing said bonds and in favor of issuing said bonds and the levy of a special tax for the purpose of paying said bonds and the interest which may accrue thereon, the Board of Commissioners of Durham County is hereby authorized and empowered to issue bonds of Durham County for said purpose, not in excess of the sum of four hundred thousand ($400,000.00) dollars,

Issuance of bonds authorized upon majority favorable vote.

Maximum amount.

Procedure for issuance of bonds.

Pledge of credit; payment of bonds.

Levy and collection of tax to pay bonds.

said bonds to be issued in accordance with the procedure provided by The County Finance Act, Article IX of Chapter 153 of the General Statutes, and when issued, the full faith and credit of the county shall be deemed to be pledged for the punctual payment of the principal of and interest on each bond issued by virtue hereof; and the governing body shall annually levy and collect a tax ad valorem upon all the taxable property of the county sufficient to pay the principal of and interest on all bonds issued under this Act, as such principal and interest may become due, in the manner authorized by G. S. 153-110.

Purchase of site, erection of building, etc., for public library.

Purchase of furnishings.

Annual tax levy for principal and interest of bonds.

Application of County Finance Act.

SEC. 3. That if a majority of the qualified electors of Durham County vote in favor of the issuance of said bonds hereinbefore referred to, the Board of Commissioners of Durham County is hereby authorized and empowered to purchase a site and erect a building thereon, or to make any addition or additions to any existing building or buildings, to be used as a public library for the City and County of Durham, and said board of commissioners is likewise authorized and empowered to purchase the necessary furnishings for said buildings from the proceeds of said bond issue. If a majority of the qualified electors of Durham County shall vote in favor of the issuance of said bonds, the Board of Commissioners of Durham County is hereby authorized and empowered to annually levy upon all taxable property of said county, amounts sufficient to pay the interest on and principal of the bonds which may be issued under the authority of this Act in the manner provided in G. S. 153-110, and except as herein otherwise provided, all of the provisions of The County Finance Act not inconsistent with the provisions of this Act shall be applicable to the issuance of said bonds and the levy of taxes for the payment of the principal thereof and interest thereon.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 995 CHAPTER 952

AN ACT TO FIX THE COURT COSTS OF THE RECORDER'S COURT OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Application of bill of costs of Carteret County Superior Court as costs in Recorder's Court.

SECTION 1. All of the items comprising the bill of court costs of the Recorder's Court of Carteret County shall be the same as those of the Superior Court of Carteret County, except that there shall be no item of charge for jury service.

SEC. 2. All bills of cost heretofore taxed by the clerk of said court and charged against defendants tried in said court, whether paid or not, are hereby fully approved and validated. Costs heretofore taxed by clerk, Carteret County Recorder's Court, validated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1000 **CHAPTER 953**

AN ACT TO AUTHORIZE SPECIAL TAX LEVIES FOR SPECIAL PURPOSES IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Scotland County is hereby authorized and empowered, in its discretion, to levy such special property taxes as may be necessary not in excess of six cents (6c) on the one hundred dollars ($100.00) valuation for the special purpose of paying the salaries of the rural policemen appointed pursuant to the provisions of chapter 114 of the Public-Local Laws of 1913, as amended by Chapter 339 of the Public-Local Laws of 1923 and Chapter 99 of the Public-Local Laws, Extra Session, of 1924, in addition to any tax now allowed by law for such purpose and in addition to the rate allowed by the Constitution of North Carolina. Special tax levy for salaries of rural policemen, Scotland County.

SEC. 2. The Board of County Commissioners of Scotland County is hereby authorized and empowered, in its discretion, to levy such special property taxes as may be necessary not in excess of three cents (3c) on the one hundred dollars ($100.00) valuation for the special purpose of paying the salary of the County Librarian, in addition to any tax now allowed by law for such purpose and in addition to the rate allowed by the Constitution of North Carolina. Special tax levy for salary of County Librarian.

SEC. 3. The unconstitutionality or invalidity of any Section of this Act shall not affect the constitutionality or validity of any other Section of the same. Partial invalidity provision.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1006 CHAPTER 954

AN ACT RELATING TO FISHING IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Taking shad and herring with skim or gill nets, during certain times, Fishing Creek, Halifax County, made lawful.

SECTION 1. Notwithstanding any other Statutes of this State or the regulations of any department, agency or bureau of the State, it shall be lawful for shad and herring to be taken with skim or gill nets of not less size than 1½ inches at any time Thursday, Friday, and Saturday, from April 1st to June 15th of any year in Fishing Creek wherever said creek borders on or runs through or across Halifax County.

Act not affected by rules and regulations of State agencies.

SEC. 2. The provisions of this Act shall not be changed by any rule or regulation promulgated by any State department, board, bureau or other agency.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1007 CHAPTER 955

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Ch. 366, Public-Local Laws, 1939, amended.

SECTION 1. That Subsection (6) of Section 41 of Chapter 366 of the Public-Local Laws of 1939, as amended, be, and the same is hereby, amended to read as follows:

Authority of Chief of Police, Charlotte, to make promotions of members of department.

Demotions.

Subsection (6). The chief of the police department shall have authority to make all promotions of members in the department, subject to majority approval of the Civil Service Board. All demotions shall be made only after written charges preferred and a hearing before the Civil Service Board, which must approve by majority vote.

SEC. 2. That Subsection (8) of Section 42 of Chapter 363 of the Public-Local Laws of 1939, as amended, be, and the same is hereby, amended to read as follows:

Ch. 366, amended further, as to promotions and demotions of members of fire department.

Subsection 8. The chief of the fire department shall have authority to make all promotions of members in the department, subject to majority approval of the Civil Service Board. All demotions shall be made only after written charges preferred and a hearing before the Civil Service Board, which must approve by majority vote.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1011 CHAPTER 956

AN ACT TO VALIDATE THE OFFICIAL ACTS OF C. R. GORDON, A JUSTICE OF THE PEACE IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Official acts of C. R. Gordon, J. P., under color of office, during specified period, validated.

SECTION 1. That each and all of the official acts of C. R. Gordon, a Justice of the Peace of Granville County, performed after June 14th, 1946, and prior to August 21st, 1946, under color of his office, are hereby in all respects validated, ratified, and confirmed.

SEC. 2. That this Act shall not affect pending litigation.

Pending litigation not affected.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1111 CHAPTER 957

AN ACT TO AMEND HOUSE BILL NUMBER 353, SESSION 1947, RATIFIED FEBRUARY 28TH, 1947, RELATING TO THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Ch. 204, Session Laws, 1947, amended; corporate limits of Town of Oxford more clearly defined.

SECTION 1. That in order to more clearly define the territory described in Section 1, of House Bill No. 353, Session 1947, ratified February 28th, 1947, same is hereby amended to read as follows:

Description.

Beginning at an iron stake, one foot South of the southeast corner of the South Side Sewage Treatment Plant fence; thence North 63 degrees 15 minutes East to a point 300 feet North 63 degrees 15 minutes East from the center line of the Raleigh Road; thence North 14 degrees 45 minutes East to a point 300 feet North 14 degrees 45 minutes East of the center line of the Oxford-Henderson Highway; thence North 46 degrees 15 minutes West to a point 300 feet North 46 degrees 15 minutes West from the center line of the Oxford-Clarksville Highway; thence South 69 degrees 30 minutes West to a point 300 feet North 3 degrees 30 minutes East from the center line of the Oxford-Virgilina Highway; thence South 3 degrees 30 minutes West to a point in the center of the Oxford-Stem Road; thence South 42 degrees 15 minutes East to a point in the center of the Oxford-Durham Highway; thence a straight line in a southeasterly direction to the place of beginning, said corporate limits containing about 3.9 square miles, more or less.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1017 CHAPTER 958

AN ACT TO AMEND CHAPTER 304 OF THE PUBLIC-LOCAL LAWS OF 1941, SO AS TO AUTHORIZE THE CREATION OF FIRE PROTECTION DISTRICTS IN RURAL AREAS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Ch. 304, Public-Local Laws, 1941, amended.

SECTION 1. That Chapter 304 of the Public-Local Laws of 1941 be, and the same is hereby, amended by adding a new section, to follow Section 8 and to be designated as Section 8½, to read as follows:

SEC. 8½. All of the provisions of this Act be, and they are hereby, made applicable to Mecklenburg County, so as to authorize the creation of fire protection districts in rural areas in said county.

Authority to create fire protection districts, Mecklenburg County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1029 CHAPTER 959

AN ACT TO MAKE SECTION 14-197 OF THE GENERAL STATUTES, RELATING TO THE USE OF PROFANE OR INDECENT LANGUAGE ON PUBLIC HIGHWAYS, APPLICABLE TO BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 14-197, amended; Act relating to profanity on public highways, application to Beaufort County.

SECTION 1. That Section 14-197 of the General Statutes be amended by striking out the word "Beaufort" in line 9 of said Section.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1031 CHAPTER 960

AN ACT TO INCREASE THE CIVIL JURISDICTION OF THE APEX RECORDER'S COURT AND TO CHANGE THE SESSION DAY OF SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 2 of Chapter 497 of the Public-Local Laws of 1929 by striking out the word "Mondays" appearing after the word "third" and before the word "in" in the fourth line of said Section 2 and by inserting in lieu thereof the word "Wednesdays."

Ch. 497, Public-Local Laws, 1929, amended, as to session day of Apex Recorder's Court.

Ch. 282, Public-Local Laws, 1917, amended, as to civil jurisdiction of court.

SEC. 2. Amend Chapter 282 of the Public-Local Laws of 1917 by striking out the words "five hundred" appearing before the word "dollars" in the seventh line of Section 12½ and by inserting in lieu thereof the words "one thousand."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall become effective May 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1033 CHAPTER 961

AN ACT TO AMEND CHAPTER 323 OF THE SESSION LAWS OF 1943 AND CHAPTER 559 OF THE SESSION LAWS OF 1945 RELATIVE TO THE SALARIES OF CERTAIN PUBLIC OFFICIALS AND EMPLOYEES IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 559, Session Laws, 1945, repealed.

SECTION 1. That Chapter 559 of the Session Laws of 1945 be, and the same is hereby, repealed.

Ch. 323, Session Laws, 1943, amended.

SEC. 2. That Section 1 of Chapter 323 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Salary of Clerk of Superior Court, Durham County.

SECTION 1. The Clerk of the Superior Court of Durham County shall receive a salary of fifty-four hundred dollars ($5400.00) annually, payable in twelve equal monthly installments, and the following employees in the said Clerk of the Superior Court's office shall receive the following compensation: The Assistant Clerk of the Superior Court, thirty-six hundred thirty dollars ($3630.00) annually; one Deputy Clerk, thirty-three hundred dollars ($3300.00) annually; one Deputy Clerk, twenty-six hundred dollars ($2300.00) annually; two Deputy Clerks, twenty-one hundred seventy-eight dollars ($2178.00) each.

Compensation of employees in office of C. S. C.

Ch. 323, amended further.

SEC. 3. That Section 2 of Chapter 323 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Salary of sheriff, Durham County.

SEC. 2. That the Sheriff of Durham County shall receive fifty-four hundred dollars ($5400.00) annually, payable in twelve equal monthly installments and the following employees of said Sheriff's office shall receive the following compensation: Six Deputy Sheriffs shall be paid an annual salary according

Salaries of deputies sheriff.

to the following schedule: Deputies who have served for a period of thirty years or more, twenty-nine hundred seventy dollars ($2970.00) each, annually; Deputies who have served for a period of twenty years and less than thirty years, twenty-nine hundred four dollars ($2904.00) each, annually; Deputies who have served for a period of ten years and less than twenty years, twenty-eight hundred thirty-eight dollars ($2838.00) each, annually; Deputies who have served for a period of five years and less than ten years, twenty-seven hundred seventy-two dollars ($2772.00) each, annually; Deputies who have served for a period of less than five years, twenty-seven hundred six dollars ($2706.00) each, annually; two Jailers, twenty-three hundred ten dollars ($2310.00) each, annually; one Clerk, twenty-one hundred twelve dollars ($2112.00) annually; two special Deputies, five dollars and fifty cents ($5.50) per day each for days actually served.

Maintenance of telephones by deputies at own expense.

That the six Deputies above referred to shall be required to maintain telephones in their homes at their own expense. That the salaries paid to said Deputies shall be in lieu of all other compensation.

Ch. 323, amended further.

SEC. 4. That Section 3 of Chapter 323 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Salary of Register of Deeds, Durham County.

SEC. 3. The Register of Deeds of Durham County shall receive a salary of forty-three hundred dollars ($4300.00) annually, payable in twelve equal monthly installments, and the following employees of said office shall receive the following compensation: Two Deputy Register of Deeds, twenty-four hundred dollars ($2400.00) annually, each.

Salaries of deputies.

Ch. 323, amended further.

SEC. 5. That Section 4 of Chapter 323 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Salary of Judge of Recorder's Court, Durham County.

SEC. 4. That the Judge of the Recorder's Court of Durham County shall receive five thousand dollars ($5000.00) annually, payable in twelve equal monthly installments; that the Prosecuting Attorney of Durham County Recorder's Court shall receive four thousand ($4000.00) annually, payable in twelve equal monthly installments; and the Clerk of the Recorder's Court of said county and employees shall receive the following salaries annually: Clerk of the Recorder's Court, three thousand dollars ($3000.00), one Assistant Clerk, twenty-three hundred ten dollars ($2310.00); one Chief Deputy Clerk, nineteen hundred eighty dollars ($1980.00); second Deputy Clerk, eighteen hundred forty-eight dollars ($1848.00); third Deputy Clerk, fifteen hundred dollars ($1500.00).

Salary of Prosecuting Attorney.

Salary of Clerk, Assistant Clerk, and deputies.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. That this Act shall be in full force and effect from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1038 CHAPTER 962

AN ACT AMENDING CHAPTER 343 OF THE PUBLIC LAWS OF 1929, ENTITLED "AN ACT TO ESTABLISH A DOMESTIC RELATIONS COURT IN CERTAIN COUNTIES AND CITIES IN NORTH CAROLINA", MAKING SAID ACT APPLY TO THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Act to establish Domestic Relations Court, applicable to City of High Point.

SECTION 1. That all of the provisions of Chapter 343 of the Public Laws of 1929, entitled "An Act to Establish a Domestic Relations Court in Certain Counties and Cities in North Carolina" shall apply to the City of High Point, Guilford County, North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in effect from and after January 1st, 1948.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1053 CHAPTER 963

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937 SO AS TO AUTHORIZE ALAMANCE COUNTY TO CREATE SCHOOL DISTRICTS AND TO ISSUE SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF SCHOOL DISTRICTS FOR SPECIAL BOND TAX UNITS AND TO LEVY WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Ch. 279, Public-Local Laws, 1937, amended; law applicable to Alamance County.

SECTION 1. Chapter 279 of the Public-Local Laws of 1937 is amended by adding after the words "Buncombe County" in Section 11 the following: "Alamance County".

SEC. 2. The authority herein granted shall be supplemental and in addition to any other authority which the County of Alamance and/or any school district has to issue bonds and levy a tax for the payment thereof for the acquisition of school sites and the erection and equipping of school buildings.

Authority of Alamance County and school districts to issue bonds, levy taxes, for school buildings.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1066 CHAPTER 964

AN ACT TO PROVIDE FOR THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The register of deeds shall charge and collect such fees for registration and recordation of instruments in writing required or permitted by law to be registered and recorded in his office and for other services rendered by his office as may be from time to time prescribed by resolution of the Board of Commissioners of Pitt County.

Fees of Register of Deeds, Pitt County, for recordings and other services, as prescribed by County Commissioners.

SEC. 2. The fees required hereunder to be paid shall be made known to the public by a schedule of fees posted in the Office of the Register of Deeds of Pitt County.

Posting of schedule of fees.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1067 CHAPTER 965

AN ACT TO AMEND HOUSE BILL NO. 514 RATIFIED ON THE 25TH DAY OF MARCH, 1947, RELATING TO THE CHARTER OF THE CITY OF RANDLEMAN.

The General Assembly of North Carolina do enact:

SECTION 1. That the first Section 3 of House Bill No. 514

Ch. 470, Session Laws, 1947, relating to election of mayor and aldermen, Town of Randleman, amended.

"An act to repeal Chapter 257 of the Public-Local Laws of 1939 and to amend Chapter 209 of the Private Laws of 1905 relating to the Charter of the City of Randleman", ratified March 25, 1947, be and the same is hereby stricken out and repealed.

SEC. 2. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1068 CHAPTER 966

AN ACT RELATING TO UNCLAIMED WITNESS FEES IN THE COURTS OF WAKE COUNTY INFERIOR TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Disposition of unclaimed witness fees in courts inferior to Superior Court, Wake County.

Use by municipality in which court located.

SECTION 1. Any witness fee in any court of Wake County inferior to the Superior Court, other than a court of a justice of the peace, which has heretofore remained, or hereafter remains, unclaimed for a period of five years from the date when such fee was payable, shall be turned over and credited to the general fund of the municipality in which such inferior court is located, and may be used by any such municipality for any public purpose.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1073 CHAPTER 967

AN ACT TO AMEND CHAPTER 264 OF THE SESSION LAWS OF 1943 RELATING TO THE METHOD OF SELECTING THE JUDGE AND THE PROSECUTING ATTORNEY OF THE GENERAL COUNTY COURT OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 264, Session Laws, 1943, amended.

SECTION 1. That the first sentence of Section 1 of Chapter 264 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Election of Judge of General County Court, Duplin County.

At the election to be held in Duplin County in the year 1948, and biennially thereafter, the Judge of the General County Court of said county shall be nominated and elected in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county. The person elected to hold the office of judge at the general election to be held in 1948, and biennially thereafter, shall hold his office for a period of two years from and after the first Monday in December following such election, and until his successor is elected and qualified.

Term.

Ch. 264, amended further.

SEC. 2. That the first sentence of Section 2 of Chapter 264 of the Session Laws of 1943 be, and the same is hereby, amended to read as follows:

Election of Prosecuting Attorney.

At the election to be held in Duplin County in the year 1948, and biennially thereafter, the prosecuting attorney of the General County Court of said County shall be nominated and elected in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county. The person elected to hold the office of prosecuting attorney at the general election to be held in 1948, and biennially thereafter, shall hold his office for a period of two years from and after the first Monday in December following such election, and until his successor is elected and qualified.

Term.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1085 CHAPTER 968

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO PROVIDE ADDITIONAL OFFICE SPACE IN CURRITUCK COURTHOUSE.

The General Assembly of North Carolina do enact:

Authority of Currituck County Commissioners to rearrange office space in Courthouse to relieve crowded conditions.

SECTION 1. The Board of County Commissioners of Currituck County is hereby authorized, empowered, and to rearrange the available office space in the Currituck County Courthouse in such manner as to relieve the overcrowded conditions as now exist in the office of the Clerk of the Superior Court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1005 **CHAPTER 969**

AN ACT AMENDING THE HOSPITAL AUTHORITIES LAW, ARTICLE 12 OF CHAPTER 131 OF THE GENERAL STATUTES, SO AS TO INCLUDE THE COUNTY OF WAYNE AND THE CITY OF GOLDSBORO UNDER THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

G. S., Ch. 131, Art. 12, Hospital Authorities Law, amended.

SECTION 1. That Article 12 of Chapter 131 of the General Statutes, known as the Hospital Authorities Law, be, and the same hereby is, amended by adding at the end thereof a new Section, to be designated as Section 131-116.1, as follows:

Application of Act to Wayne County and City of Goldsboro.

131.116.1. Act applicable to Wayne County and City of Goldsboro. All provisions of this Act shall apply to Wayne County and City of Goldsboro as fully as if the population of said county exceeded seventy-five thousand inhabitants; and in relation to Wayne County and City of Goldsboro the following terms, wherever used or referred to in this Act, shall have the following respective meanings unless a different meaning clearly appears from the context:

Definitions.

"City."

(1) "City" shall mean Wayne County and City of Goldsboro, notwithstanding the population of Wayne County is less than seventy-five thousand inhabitants;

"Council."

(2) "council" shall mean Board of Commissioners for the County of Wayne and Board of Aldermen of the City of Goldsboro;

"Mayor."

(3) "mayor" shall mean Mayor of Goldsboro and Chairman of the Board of Commissioners for the County of Wayne;

"City Clerk."

(4) "city clerk" shall mean City Clerk of Goldsboro and Clerk of the Board of Commissioners for the County of Wayne; and the boundary of the hospital authority organized in Wayne County shall be the boundary of Wayne County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 923 CHAPTER 970

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF BEER AND WINE WITHIN ONE AND ONE-HALF MILES OF THE FUQUAY SPRINGS METHODIST CHURCH IN MIDDLE CREEK TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Manufacture and sale of beer and wine within certain locality in Wake County, prohibited.

SECTION 1. That it shall be unlawful for any person, firm, or corporation, society or association, by whatever name designated and known, to manufacture or sell, or to cause to be manufactured or sold, whether the same be at wholesale or retail, any beverage commonly known as beer or wine containing more than one-half of one per cent alcohol per volume within one and one-half (1½) miles of the Fuquay Springs Methodist Church in Middle Creek Township, Wake County.

Issuance of beer and wine licenses for use within specified area, prohibited.

SEC. 2. That the Board of Commissioners of Wake County and the governing body of Fuquay Springs, or any other agency within the State of North Carolina, shall not issue or cause to be issued any license or permit for the sale of any beer, wine, or other intoxicating beverage containing more than one-half of one per cent alcohol per volume within the said territory designated in Section 1 above.

Punishment for violations.

SEC. 3. That any person, firm, or corporation, society or association, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or be imprisoned not less than sixty (60) days or more than two years, or both fined and imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 993 CHAPTER 971

AN ACT TO PROHIBIT THE SALE OF BEER, ALE OR WINE WITHIN ONE-QUARTER OF A MILE OF CERTAIN CHURCHES IN THE BOWDEN COMMUNITY OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Sale of beer, ale, and wine within certain area in Duplin County, prohibited.

SECTION 1. That it shall be unlawful to sell, or possess for sale, any beer, ale or wine, within one-half of a mile of The Bowden Presbyterian Church, The First Baptist Church of Bowden, or St. Thomas Church of Bowden, in Duplin County.

Punishment for violations.

Any person violating the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined, or imprisoned in the discretion of the Court.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict of this Act, are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 954 CHAPTER 972

AN ACT RELATING TO THE SALARIES OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY, THE SHERIFF OF SAID COUNTY, THE REGISTER OF DEEDS OF SAID COUNTY, THE COUNTY TREASURER OF SAID COUNTY, THE SUPERVISOR OF TAXATION OF SAID COUNTY AND THE COLLECTOR OF REVENUE OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Salary of Chairman, Board of Commissioners, Mecklenburg County.

SECTION 1. The salary of the Chairman of the Board of Commissioners of Mecklenburg County shall be the sum of sixty-five hundred dollars ($6500.00) per year, payable in twelve (12) equal annual installments.

Salary of Clerk of Superior Court.
Salary of Sheriff.
Salary of Register of Deeds.
Salary of County Treasurer.

SEC. 2. The salary of the Clerk of the Superior Court of Mecklenburg County shall be the sum of sixty-two hundred fifty dollars ($6250.00) per year; the salary of the Sheriff of Mecklenburg County shall be the sum of fifty-five hundred dollars ($5500.00) per year; the salary of the Register of Deeds for Mecklenburg County shall be the sum of fifty-six hundred dollars ($5600.00) per year, and the salary of the County Treasurer of Mecklenburg County shall be the sum of forty-five hundred dollars ($4500.00) per year, all of which said salaries

shall be payable in equal monthly installments and shall constitute the sole compensation to be received by any of the officials named in this section by virtue of their respective offices. All fees and commissions which are now or may hereafter be payable to and receivable by any of the officials mentioned in this section by virtue of their several offices and from whatsoever sources derived shall be the property of Mecklenburg County and shall at such intervals as the board of commissioners of said county shall direct be paid into the general fund of the said county, to the end that the stated annual salaries of the officials mentioned in this Section as provided for above shall be the only and sole compensation received by them by virtue of their said offices. The Clerk of the Superior Court shall also pay into the general fund of said county all fees and commissions which he may hereafter receive by virtue of acting as receiver or custodian of the estates of any minor or incompetent persons.

Fees and commissions collected by officials payable into general fund.

SEC. 3. The Salary of the County Supervisor of Taxation of Mecklenburg County shall be fixed by the board of commissioners of said county and shall not exceed the sum of five thousand dollars ($5000.00) per year, payable in monthly installments.

Salary of Supervisor of Taxation, Mecklenburg County.

SEC. 4. The salary of the Collector of Revenue for Mecklenburg County shall be fixed by the board of commissioners of said county and shall not exceed the sum of forty-five hundred dollars ($4500.00) per year, payable in equal monthly installments.

Salary of Collector of Revenue.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after the 1st day of the calendar month following the date of its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 968 **CHAPTER 973**

AN ACT AUTHORIZING THE LEVY OF TAX FOR THE PURPOSE OF OPERATING A RECREATION SYSTEM FOR THE TOWN OF CHAPEL HILL UPON VOTE OF THE QUALIFIED VOTERS.

The General Assembly of North Carolina do enact:

Provision for special election on question of tax levy for recreation purposes, Town of Chapel Hill.

SECTION 1. The Board of Aldermen of the Town of Chapel Hill may by a majority vote order a special election to be held at such time as said board of aldermen may fix, to determine the will of the people of the Town of Chapel Hill as to whether the said board of aldermen shall levy annually an ad valorem tax of not more than ten cents (10c) on each hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the Town of Chapel Hill, to be used for recreation purposes. In the event the said board of aldermen shall order a special election for said purpose, a new registration shall be required and the registration books shall be open for registration of voters and notice of such registration shall be given, as required by law, stating the days on which the books will be open for registration of new voters and at the places at which they will be on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty (30) days before the election. The registration books shall be open the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday immediately before the election day shall be "challenge day."

Registration of voters.

Notice of election.

Challenge day.

Conduct of election.

SEC. 2. The said special election, if called, shall be held as provided by law for the holding of elections and special elections in the Town of Chapel Hill and at such special election the said board shall cause to be placed at each voting place in the Town of Chapel Hill a ballot box marked "Recreation System Election"; that at said election all voters of the town who are qualified electors and who are duly registered for said election may vote in said election. Each of the said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. Said ballot shall be designated "Official Ballot—Town of Chapel Hill Special Election" and below the said words shall be placed the date on which said election is held. Thereunder shall be written the form of said questions to be submitted to the voters and the form of the questions shall be in substantially the words "For Recreation System Tax" and "Against Recreation System Tax," which alternates shall appear separate from each other on one ballot containing opposite and to the left of each alternate, squares of the appropriate size in one of which squares the voter may make a mark "X" to designate the voter's

Ballot boxes.

Voters eligible.

Ballots.

Form of ballot.

choice for or against said tax. Said ballots shall be signed with the facsimile signature of the Clerk to the Board of Aldermen of the Town of Chapel Hill. Said ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election.

Tax levy authorized in event of favorable vote at election.

SEC. 3. If a majority of the voters, registered and qualified to vote in said election, shall vote "For Recreation System Tax," then, the Board of Aldermen of the Town of Chapel Hill shall be authorized and empowered to thereafter levy annually an ad valorem tax of not more than ten cents (10c) on each hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the Town of Chapel Hill for the acquisition and improvement of lands and equipment and for operating, maintaining and conducting a supervised Recreation System in the Town of Chapel Hill; otherwise, no tax shall be levied by the said Board of Aldermen of the Town of Chapel Hill for said purpose.

Use of funds.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1091 CHAPTER 974

AN ACT TO AMEND CHAPTER 134 OF THE PUBLIC-LOCAL LAWS OF 1939 SO AS TO CHANGE THE TIME FOR MUNICIPAL ELECTIONS IN THE TOWN OF TAYLORSVILLE, ALEXANDER COUNTY, AND TO CREATE A TOWN BOARD OF ELECTIONS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Creation of Town Board of Elections, Taylorsville.

Members named.

Terms.

Subsequent appointment of members; terms.

SECTION 1. There is hereby created for the Town of Taylorsville in Alexander County, North Carolina, a town board of elections which shall consist of the following members: R. E. Current, chairman, and James Smith and Pleas Smith, members. The board hereby appointed shall serve for a term of two years from and after the first Monday in April, 1947, and until their successors are appointed and qualified. The Commissioners of the Town of Taylorsville shall on or before the first Monday in April, 1949, and biennially thereafter, name the chairman and members of said board who shall serve for a term of two years, and until their successors are appointed and qualified.

Powers of Town Board of Elections.

SEC. 2. The town board of elections, created by Section 1 of this Act, is hereby clothed with all the powers and authority heretofore exercised by the governing board of the Town of Taylorsville, with respect to municipal elections under Article 3 of Chapter 160 of the General Statutes of North Carolina.

Ch. 134, Public-Local Laws, 1939, amended.

SEC. 3. That Section 1 of Chapter 134 be, and the same is hereby, amended by striking out the words "May, one thousand nine hundred and thirty-nine", and inserting in lieu thereof the words "June, 1947".

Provision for new registration of voters.

Oath prerequisite to registration.

Elector required to furnish place of residence to registrar.

SEC. 4. That the town board of elections shall require a new registration of the voters in the Town of Taylorsville prior to the holding of the next general election for said town, as set forth in this Act. No person shall be registered until after taking the oath provided in Article 7 of Chapter 163, Section 29 of the General Statutes of North Carolina. Every elector shall furnish to the registrar his place of residence at the time of registration and during the last four months preceding the time of such elector's registration.

Eligibility for service as election official.

SEC. 5. No official or employee of the Town of Taylorsville nor any relative of such official or employee shall be eligible to serve as an election official in any election to be held under the provisions of this Act.

Compensation of members of Town Board of Elections.

Payment of election expenses.

SEC. 6. The town board of elections shall receive the same compensation for holding elections in the Town of Taylorsville as that received by such officials in conducting county elections under the general election laws of this State. All necessary expense for holding such elections shall be paid out of the general fund of the Town of Taylorsville.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1097 CHAPTER 975

AN ACT REGULATING THE LIABILITY OF LAUNDERERS AND CLEANERS.

The General Assembly of North Carolina do enact:

Disposition by laundries and dry cleaning establishments of certain unclaimed clothing.

SECTION 1. If any person shall fail to claim any garment, clothing or other article having a value of not more than

seventy-five dollars ($75.00) delivered for laundering, cleaning or pressing to any laundry or dry cleaning establishment as defined in the General Statutes of North Carolina, Section 105-85, or any dry cleaning establishment as defined in General Statutes of North Carolina, Section 105-74, for a period of four months after the completion of the laundering or cleaning of such articles, the laundry or dry cleaning establishment shall have the right to dispose of such clothing, garment or article by whatever means it may choose, without liability or responsibility to the owner. *Provided,* however, that before such laundry or dry cleaning establishment may claim the benefit of this Section it shall, at the time of receiving such clothes, garments or articles, have a notice setting forth the provisions of this Act prominently displayed in a conspicuous place in the office, branch office or retail outlet where said clothes, garments or articles are received, if the same be received at an office, and in addition shall, at the time of receiving such clothes, garments or other articles, deliver to the owner thereof a ticket or receipt on the back of which shall be set forth the provisions of this action.

Display of notice of provisions of Act in laundry or dry cleaning establishment.

Customer furnished with receipt giving notice of provisions of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1103 CHAPTER 976

AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO DISCHARGE ANY FIREARM WITHIN ONE MILE OF THE DURHAM AND SOUTHERN RAILROAD STATION AT ERWIN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to discharge any pistol, rifle, revolver, shotgun or any other type of firearm within one mile of the Durham and Southern Railroad Station at Erwin in Harnett County: *Provided,* the provisions of this Act shall not apply to any person who discharges firearms when such firearms are discharged for the purpose of slaughtering hogs or cattle.

Discharge of firearms within certain area, Erwin, Harnett County, prohibited.

Exception.

SEC. 2. Violation of this Act shall be a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or by

Punishment for violations.

imprisonment for not more than thirty (30) days, in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly, read three times and ratified, this the 5th day of April, 1947.

H. B. 920 CHAPTER 977

AN ACT TO AMEND CHAPTER 61 OF THE SESSION LAWS OF 1945 RELATING TO THE RECORDS OF COTTON BROKERS AND OTHER PERSONS BUYING COTTON.

The General Assembly of North Carolina do enact:

Ch. 61, Session Laws, 1945, amended.

SECTION 1. Chapter 61 of the Session Laws of 1945 is hereby amended by changing the period at the end of Section 1 to a colon and adding the following words:

Records required to be kept by cotton brokers as to purchases of cotton ginned outside State.

Provided, any person, firm or corporation who purchases cotton which has been ginned outside this State shall be required to keep only so much of the records herein above specified as purchasers are required to keep by the law of the State where said cotton was ginned.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 184 CHAPTER 978

AN ACT AUTHORIZING THE MEMBERS OF THE EASTERN BAND OF CHEROKEE INDIANS OF WESTERN NORTH CAROLINA TO HOLD, INHERIT AND ALIENATE PROPERTY, AND FURTHER SECURING TO THEM THE RIGHT OF LOCAL SELF-GOVERNMENT.

The General Assembly of North Carolina do enact:

Rights of Eastern Band, Cherokee Indians, to inherit, acquire, use, and dispose of property.

SECTION 1. Subject only to restrictions and conditions now existing or hereafter imposed under Federal statutes and regulations, or treaties, contracts, agreements, or conveyances be-

tween such Indians and the Federal Government, the several members of the Eastern Band of Cherokee Indians residing in Cherokee, Graham, Swain, Jackson and other adjoining counties in North Carolina, and the lineal descendants of any bona fide member of such Eastern Band of Cherokee Indians, shall inherit, purchase, or otherwise lawfully acquire, hold, use, encumber, convey and alienate by will, deed, or any other lawful means, any property whatsoever as fully and completely in all respects as any other citizen of the State of North Carolina is authorized to inherit, hold, or dispose of such property.

Eligibility of members of Eastern Band of Cherokee Indians to hold office in tribal organization.

SEC. 2. Any person who is a lineal descendant of any bona fide member of such Eastern Band of Cherokee Indians who is a member of said band and who is domiciled on the lands of the said Eastern Band of Cherokee Indians shall be eligible to hold any elective or appointive office or position within the tribal organization, including the position of Chief, and may be elected or appointed and shall thereafter serve in such manner and for such time as a majority of the accredited membership of such Eastern Band of Cherokee Indians may decide at any election held for such purpose or appointment made by the accredited officials of said Eastern Band of Cherokee Indians.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be effective July 1st, 1947.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 209 CHAPTER 979

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1899, AND AMENDMENTS THERETO, COMMONLY KNOWN AS THE CHARTER OF THE CITY OF GREENVILLE, RELATIVE TO THE METHOD OF FIXING THE SALARIES AND COMPENSATION OF THE MAYOR AND OTHER OFFICERS AND EMPLOYEES OF THE CITY OF GREENVILLE: TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GREENVILLE AND TO RE-DEFINE AND RELOCATE THE CORPORATE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

Authority of Board of Aldermen, Greenville, to fix salaries of city officers and employees.

SECTION 1. That the Board of Aldermen of the City of Greenville shall have authority to fix the salaries and compensation of the Mayor, Treasurer, Tax Collector, Clerk, Mem-

bers of the Board of Aldermen, and all other elective and appointive officers and employees of the City of Greenville; *provided,* however, that the salaries or compensation of the members of the Board of Aldermen shall all be equal in amount; and *provided further,* that the Mayor pro tempore may receive, in addition to his salary or compensation as Alderman, such sum as the board may elect to fix.

Corporate limits, Greenville, defined.

SEC. 2. That all lands included within the following boundaries, which includes all lands now within the corporate limits of the City of Greenville as well as lands to be annexed thereto, shall hereafter be included within the corporate limits of the City of Greenville:

Boundaries enlarged.

(A) Beginning on the south bank of Tar River at a point where the western line of "Riverdale Subdivision" corners on said river and runs southwesterly with the western line of "Riverdale Subdivision" to the northern edge of W. Fifth Street; thence with the northern edge of W. Fifth Street easterly to the western edge of Nash Street; thence a southerly direction, a straight line, to the southwest corner of the intersection of Line Avenue and the Farmville Boulevard; thence with the southern edge of the Farmville Boulevard easterly to the western edge of Paris Avenue; thence with the western edge of Paris Avenue to the northern edge of Spruce Street; thence with the northern edge of Spruce Street to the western edge of Line Avenue; thence southerly with the western edge of Line Avenue to the northern property line of the Guy Smith Stadium property; thence westerly with the northern property line of the Guy Smith Stadium property and same extended (same course) to the western edge of the "Red Bud Farm" Road; thence with the western edge of the "Red Bud Farm" Road and same produced, southwardly crossing the Norfolk-Southern Railroad 2050 feet; thence a southeasterly course crossing State Highway 264 (Farmville Road) at a point 708 feet from an iron stake, a corner in the old City Limit line; thence the same course extended to the western right-of-way line of State Highway No. 11 (Ayden Road); thence with the western right of way line of said State Highway No. 11, southwardly to a point 550 feet south of Pine Street, (said point being across highway and directly opposite a corner between W. J. Stell and Dr. C. F. Keuzenkamp); thence crossing said Highway No. 11 to the Stell and Keuzenkamp corner and with the line between W. J. Stell and Dr. C. F. Keuzenkamp, easterly, to the western side of Sunset Avenue; thence southerly with the western side of Sunset Avenue to the southern side of Millbrook Street; thence an easterly direction with the southern side of Millbrook Street to the eastern line of Hillsdale Extension (owned by V. S. Harrington & Company, Inc.); thence a northerly direction

with the eastern line of V. S. Harrington & Company, Inc.; and the Dairy land to the northern line of Pine Street; thence westerly with the northern line of Pine Street about 110 feet to the eastern line of the original "Hillsdale Division"; thence in a northerly direction with the eastern line of the original Hillsdale Division to the southern edge of the proposed road from State Highway No. 11 (Ayden Road) to Evans Street; thence with the southern edge of said proposed road, easterly to the eastern line of Greene Street (in "Bama"); thence with the eastern line of Greene Street, northerly to the southern line of street shown on map as "New Street"; thence with the southern line of said "New Street" easterly to the eastern line of Evans Street; thence with the eastern line of Evans Street northerly, to the southern line of Sixteenth Street; thence with the southern line of Sixteenth Street easterly to the west bank of Greens Mill Run; thence down Greens Mill Run with the various courses of the western bank to the northern edge of Fourteenth Street; thence with the northern side of Fourteenth Street; thence with the northern side of Fourteenth Street, easterly to the western right-of-way line of the College Spur; thence along the western right-of-way line of the College Spur track, southwardly, to the northern right-of-way line of the Norfolk-Southern Railroad; thence easterly with the northern right-of-way line of the Norfolk-Southern Railroad to the eastern property line of the City of Greenville's "N. Y. A. Property", extended; thence with the eastern property line of the City's "N. Y. A. Property", northerly to the north bank of Greens Mill Run; thence with the north bank of Greens Mill Run, westerly, to a corner between the James Brown Estate and the Frank Wilson Estate; thence northerly with the Wilson and Brown line to the southern side of Sixth Street; thence with the southern side of Sixth Street, easterly, to the eastern line of Forrest Hill Circle; thence northerly with the eastern line of Forrest Hill Circle to the southern side of Fifth Street; thence easterly with the southern side of Fifth Street to the western side of Greens Mill Run; thence with the western side of Greens Mill Run to the eastern property line of Greenwood Cemetery; thence with the eastern property line of Greenwood Cemetery to the southern bank of Tar River; thence with the southern bank of Tar River, westerly to the western line of Greenwood Cemetery; thence with the western line of Greenwood Cemetery, southwardly, to a point 150 feet north of the northern side of Third Street; thence westerly parallel with Third Street and 150 feet therefrom to the western side of Laurel Street; thence with the western side of Laurel Street, southwardly to a point one-half way between Third Street and Fourth Street; thence westerly and parallel with Fourth Street and one-half way be-

tween Third and Fourth Streets to the eastern line of Forrest Hill Circle; thence with the eastern line of Forrest Hill Circle to the northern side of Third Street; thence with the northern side of Third Street, westerly, to the property line, between the Willie Johnston land and the Frank Wilson land; thence with the Willie Johnston and Frank Wilson line, northerly, to a point 350 feet north of the northern side of First Street; thence westerly parallel with First Street and 350 feet therefrom to the eastern property line of "Chatham Circle"; thence northerly with the eastern property line of "Chatham Circle Division" to the south bank of Tar River; thence westerly up said Tar River and along the southern bank thereof to the beginning.

(B) Beginning on the south bank of Tar River at a point in the eastern line of Washington Street and run northerly across Tar River parallel with State Highway No. 11 and 350 feet therefrom to the southern side of Russell Street in the Perkins-Fleming Division; thence easterly with the southern side of Russell Street 350 feet to the eastern line of a proposed street shown on map; thence northerly with the eastern line of said proposed street to the southern line of Munford Street; thence easterly with the southern line of Munford Street to a point 350 feet east of Vandyke Street (formerly Vance Street); thence northerly parallel with Vandyke Street and 350 feet therefrom to the canal located on the northern boundary of the Meadow Brook Division; thence westerly with said canal to the City-County Airport property; thence with the various courses of the northern and western line of the City-County Airport property to the northern bank of Tar River; thence down the various courses of the northern bank of Tar River to the southeast corner of the City-County Airport property, said corner also being the southwest corner of S. I. Dudley land; thence with the line between the City-County Airport property and the S. I. Dudley land N 13 E. 2685 feet; thence again with the line between the City-County Airport property and the S. I. Dudley land N 41 - 52 E. 1825 feet; thence again with the line between the City-County Airport property and the S. I. Dudley land N 11 - 40 E to the northern right-of-way line of the paved access road leading from Highway No. 11 to the airport; thence easterly with the northern right-of-way line of the paved access road to the airport to a point opposite the Old River Road; thence from said point, crossing paved access road and with the Old River Road to the northeast corner of the Wilson or Barns lot; thence southern with the eastern line of the Wilson or Barns lot to the southeast corner of said Wilson or Barns lot, also a corner of the North Side Lumber Company; thence westerly with the southern line of the Wilson or Barns lot and the North Side Lumber Company line to the eastern side of the path; thence southerly with the

eastern side of said path to a corner of the North Side Lumber Company; thence with the line of the North Side Lumber Company easterly, to the eastern side of Van Nortwick Street; thence with the eastern side of Van Nortwick Street southerly to the northern side of Perkins Street; thence easterly with the northern side of Perkins Street to the western right-of-way line of the Atlantic Coast Line Railroad; thence a southerly course with the western right-of-way line of the Atlantic Coast Line Railroad to the south bank of Tar River; thence down said river with the various courses of the southern bank to the beginning corner in the eastern line of Washington Street.

Application of laws to area within enlarged boundaries.

SEC. 3. That all laws and clauses of laws applicable to the City of Greenville as contained within the corporate boundaries heretofore existing, shall be applicable to the City of Greenville with the enlarged boundaries as described in Section 2 hereof, as fully as if said enlarged boundaries had been set forth in the original charter of the City of Greenville, and each amendment and each re-enactment of said charter.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. That Sections 1, 3, 4 and 5 of this Act shall be in full force and effect from and after their ratification; that Section 2 of this Act shall be in full force and effect from and after the first day of July, A. D., 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 310 **CHAPTER 980**

AN ACT CREATING A COMMISSION TO SURVEY CERTAIN SHRIMPING GROUNDS LYING OFF THE COAST OF NORTH CAROLINA.

Preamble:

Trawling for shrimp off N. C. coast, limited.

WHEREAS, trawling for shrimp off our coast is at present confined to a relatively small area within the territorial waters of the State; and

Prospective good shrimping areas off N. C. coast.

WHEREAS, it is believed that there are vast areas of good shrimping grounds east, southeast and southwest of the Cape Fear River Bar and elsewhere off our coast at distances varying between ten and thirty miles off-shore; and

Charting such areas not possible, profitably, by private industry.

WHEREAS, the locating and charting of such grounds cannot be profitably undertaken by the private commercial fishing industry of North Carolina; and

Prospects for increase in take of shrimp, if shrimping areas charted.

WHEREAS, it is believed that the total take of shrimp by North Carolina fishermen could be multiplied several times as a result of the definite locating and charting of these off-shore shrimping grounds, which should compare favorably with those areas recently located off the Atlantic Seaboard of our sister states further south; and

Public interest.

WHEREAS, it is in the public interest that a comprehensive survey of off-shore waters be conducted to the end that an additional source of food supply and industrial profit may be made available to our people: *Now, therefore,*

The General Assembly of North Carolina do enact:

Creation of Commission to Survey Shrimping Grounds.

SECTION 1. Creation of commission; appointment of members. There is hereby created a commission to be known as "The Commission to Survey Shrimping Grounds", which shall consist of five members to be appointed by the Director of the Department of Conservation and Development, and each of whom shall be familiar with the practical aspects of the shrimping industry.

Appointment of members.

Duties of Commission.

SEC. 2. Duties of commission. It shall be the duty of such commission to proceed to conduct or cause to be conducted a survey of North Carolina coastal waters by all proper available methods and means, and to prepare charts, maps and other records reflecting the results of such survey. The commission shall report in detail at least once in each month to the Director of the Department of Conservation and Development the results of its activities, and the Department of Conservation and Development shall from time to time publish and disseminate such information. The commission is authorized, subject to the approval of the Director of the Budget, to employ and compensate such assistants as may be necessary to give full effect to this Act.

Assignment of personnel and equipment for use by Commission.

SEC. 3. Assignment of personnel and equipment. The Director of the Department of Conservation and Development and the Commissioner of Commercial Fisheries are hereby authorized to assign to and for the use of the commission created by this Act all such available personnel, boats, gear, supplies and equipment as may be necessary to give effect to the purposes of this Act.

Compensation of members.

SEC. 4. Compensation of commissioners. Each member of the commission herein created shall receive seven dollars ($7.00) for each day devoted to the discharge of his official duties, no member, however, to be compensated for more than fifteen days in any fiscal year. In addition to such compensation the members of the commission shall be allowed their necessary

Travel and subsistence allowances.

travel and subsistence expenses in accordance with schedules of the Budget Bureau governing such allowances.

Appropriation for use of Commission.

SEC. 5. Appropriation. For the purpose of giving effect to this Act, there is hereby appropriated out of the General Fund for the use of the Commission to Survey Shrimping Grounds the sum of fifty thousand dollars ($50,000.00).

Organization and commencement of duties.

SEC. 5½. That this commission shall be organized and commence its duties as of July 1st, 1947, and shall continue in the discretion of the Director of the Department of Conservation and Development not to exceed two years.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 388 CHAPTER 981

AN ACT TO AMEND SECTION 105-36 OF THE GENERAL STATUTES RELATING TO FILM DISTRIBUTORS.

The General Assembly of North Carolina do enact:

G. S. § 105-36, amended.

SECTION 1. Section 105-36 of the General Statutes is hereby amended by rewriting the first paragraph of said Section to read as follows:

Licensing of moving picture film distributors.

Every person, firm, or corporation engaged in the business of manufacturing, selling, leasing, furnishing and/or distributing films to be used in this State in moving picture theaters or other places at which an admission fee is charged shall apply for and obtain from the Commissioner of Revenue a State-wide license for the privilege of engaging in such business in this State, and shall pay for such license a tax of six hundred and twenty-five dollars ($625.00): *Provided,* that persons, firms, or corporations engaged exclusively in the business of selling, leasing, furnishing and/or distributing films for use in places where no admission fee is charged or in schools, public or private, and other instiutions of learning in this State, shall pay a tax of twenty-five dollars ($25.00).

License tax.

Tax on distributors of films for use where no admission charged.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after June 1st, 1947.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 391 **CHAPTER 982**

AN ACT TO AMEND SECTIONS 156-92 AND 156-120 OF THE GENERAL STATUTES OF NORTH CAROLINA, AND TO PROVIDE FOR ASSESSMENTS TO DEFRAY THE COSTS OF MAINTAINING DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

G. S. § 156-92, amended, as to maintenance and repairs, drainage districts.

SECTION 1. Section 156-92 of the General Statutes of North Carolina is amended by striking out the word "construction" in line 8 thereof, and inserting in lieu thereof "maintenance or repair."

G. S. § 156-120, amended.

SEC. 2. Section 156-120 of the General Statutes of North Carolina is hereby repealed and the following is substituted therefor:

Disallowance of petition for bond issue, drainage district.

Procedure when bond issue reported preferable.

New map prepared.

Report of board of viewers.

Assessments against lands to be benefited.

Maps, etc., filed with Clerk.

If the board of viewers do not favor the bond issue, it would be the duty of the clerk not to allow the same, but the petition may be presented again at any time after six months. If the board of viewers report that a bond issue is preferable, the clerk shall order the board of viewers to make a profile as is required when the district is first formed. If, in the opinion of the board of drainage commissioners, a new property map of the district should accompany the profiles, the clerk shall order the board of viewers to make such new map, showing the present owners in the district or in that portion thereof to be benefited by the proposed repairs, maintenance or improvement. The board of viewers shall with their profile or profiles file a report showing the lands to be benefited by the proposed repairs or maintenance or other improvements, the estimated costs thereof and the proportion or percentage which each tract of land shall bear for such repair, maintenance or improvement. Only those lands benefited by the proposed expenditures for repair, maintenance or improvement shall be assessed, and the assessment so made shall be in proportion to the benefits to be derived therefrom. The property maps, profiles and estimates of costs of repair, maintenance or improvement and lands benefited and benefits received shall be filed with the clerk in the time and manner prescribed for the filing of such reports when the district is first created.

Levy of assessments for repair, maintenance, etc., of canals.

SEC. 3. All assessments for repair, maintenance or enlargement or other improvements of any canal or canals in any drainage district shall be levied against the lands benefited by

such repair, enlargement or improvement. The drainage commissioners shall give notice of the proposed assessments by publication at least once a week for a period of four weeks in some newspaper published in the county in which said district was created, or if there be no such newspaper, by posting a notice at the courthouse door in said county for thirty days. Any property owner may within said thirty-day period file exceptions to said report, whereupon the clerk shall fix a time for the hearing of all exceptions which may be filed, and at said time the clerk shall hear said exceptions and render such judgment as may be mete and proper. Any property owner not having excepted to the proposed assessment within the time herein provided for shall be concluded and bound by the assessment as proposed.

Notice of assessments; publication.

Exceptions to report.

Hearing.

Effect of failure of property owner to except.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 409 **CHAPTER 983**

AN ACT TO AMEND SECTION 7-134 OF THE GENERAL STATUTES RELATING TO THE FEES OF JUSTICES OF THE PEACE IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 7-134 of the General Statutes by adding at the end of said Section a proviso which shall read as follows:

G. S. § 7-134, amended, Fees of Justices of Peace, Watauga County.

Provided, that in Watauga County justices of the peace shall receive fees for the hereinafter named official acts as follows: for warrant of arrest in criminal and bastardy cases, including affidavit or complaint, one dollar ($1.00); for taking an affidavit, fifty cents (50c); for subpoena for each witness, twenty-five cents (25c); for taking bond or undertaking, one dollar ($1.00); for judgment in a contested case, one dollar and seventy-five cents ($1.75); for judgment in a case not contested, one dollar ($1.00); for recognizance of witnesses to Superior Court, fifty cents (50c), and except as modified or changed in this proviso the fees for other official acts of justices of the peace shall remain and be those fixed in Section 7-134 of the General Statutes as applicable to Watauga County.

SEC. 2. All laws and clauses of laws in conflict with the

Conflicting laws repealed.

provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 415 **CHAPTER 984**

AN ACT TO AMEND CHAPTER 832 OF THE SESSION LAWS OF 1945 PROVIDING THAT ALL TAX LIENS UPON WHICH SUIT HAS NOT BEEN INSTITUTED SHALL BE BARRED TEN YEARS AFTER THIS DATE.

The General Assembly of North Carolina do enact:

Ch. 832, Session Laws, 1945, amended.

SECTION 1. That Chapter 832 of the Session Laws of 1945 is hereby amended as follows: By striking out all of Section 3 in said Chapter 832 of the Session Laws of 1945 after the word "six" in line three thereof and inserting the following:

Effective date of Act barring tax liens, as to Durham County.

except, as to Durham County, it shall be in full force and effect from and after October 1st, 1949.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 421 **CHAPTER 985**

AN ACT REGULATING FEES OF JUSTICES OF THE PEACE OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Additional fee as advance costs chargeable by Justices of Peace, civil actions, Buncombe County.

SECTION 1. That in all civil actions originating in the courts of Justices of the Peace of Buncombe County, the justice of the peace before whom said action is commenced shall charge as advance costs one dollar ($1.00), in addition to the fees now provided by Chapter 142 of Public-Local and Private Laws of 1927.

Additional fee for each additional defendant.

SEC. 2. That in all civil actions originating before any Justice of the Peace of Buncombe County, said justice of the peace shall, in addition to charges now permitted for first defendant, be allowed to charge twenty-five cents (25c) for each additional defendant.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 439 CHAPTER 986

AN ACT TO AMEND CHAPTER 209 OF THE SESSION LAWS OF 1945 AND CHAPTER 7 OF THE PUBLIC LOCAL LAWS OF 1915 RELATING TO THE SALARY OF THE PROSECUTING ATTORNEY IN THE CITY COURT OF RALEIGH, WAKE COUNTY, NORTH CAROLINA, AND REQUIRING HIM TO DEVOTE HIS TIME EXCLUSIVELY TO THE PERFORMANCE OF THE DUTIES OF HIS OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 809 of the Session Laws of 1945 is hereby amended by striking out the words and figures "Three Thousand Three Hundred Dollars ($3,300.00)" in lines five and six and inserting in lieu thereof the words and figures "four thousand dollars ($4,000.00)". Ch. 809, Session Laws, 1945, amended, as to salary of prosecuting attorney, City Court of Raleigh.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 441 CHAPTER 987

AN ACT TO MAKE SECTION 20-145 OF THE GENERAL STATUTES APPLICABLE TO THE OFFICERS AND AGENTS OF THE UTILITIES COMMISSION IN CONNECTION WITH THEIR DUTIES OF CHECKING THE SPEED OF BUSSES AND MOTOR CARRIERS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 20-145 of the General Statutes by changing the period after the word "emergencies" in the G. S. § 20-145; amended.

ninth line thereof to a comma and by inserting after the comma the following:

Motor vehicle speed limits not applicable to vehicles operated by agents of N. C. Utilities Commission in certain duties.

nor to vehicles operated by the duly authorized officers, agents and employees of the North Carolina Utilities Commission when traveling in performance of their duties in regulating and checking the traffic and speed of busses, trucks, motor vehicles and motor vehicle carriers subject to the regulation and jurisdiction of the North Carolina Utilities Commission.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 443 **CHAPTER 988**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WASHINGTON, NORTH CAROLINA, WITH RESPECT TO AUTHORITY OF THE BOARD OF LIGHT AND WATER COMMISSIONERS.

The General Assembly of North Carolina do enact:

Ch. 210, Private Laws, 1915, amended, as to powers, Light and Water Commissioners, City of Washington.

SECTION 1. The Private Laws of 1915, Chapter 210, Section 5, is hereby amended by striking out the words "one thousand" appearing in lines 19 and 21, and inserting in lieu thereof the words "five thousand".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 444 **CHAPTER 989**

AN ACT TO AMEND SECTION 7-104 OF THE GENERAL STATUTES TO PROVIDE FOR THE APPOINTMENT OF DEPUTY CLERKS OF THE DOMESTIC RELATIONS COURTS.

The General Assembly of North Carolina do enact:

G. S. § 7-104, amended, as to Buncombe County.

SECTION 1. That Section 104 of Chapter 7 of the General Statutes of North Carolina be amended by adding to said Sec-

tion a new paragraph to read as follows:

Whenever in the judgment of the judge of any domestic relations court it becomes necessary, said judge may appoint one or more deputy clerks for said court; and such deputy clerks shall have power and authority to administer oaths and issue warrants and other process in said court; and his compensation shall be fixed and provided for in the same manner as the clerk of said court.

Power of judge of domestic relations court to appoint deputy clerks.

Powers, compensation, of deputy clerks.

SEC. 1½. The provisions of this Act shall apply only to Buncombe County.

Application of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3 This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 445 **CHAPTER 990**

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA, SECTION 53-62 RELATING TO THE ESTABLISHMENT OF BRANCHES OF BANKS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 53-62 of the General Statutes of North Carolina by substituting a colon for the period at the end of said section and adding thereafter the following:

G. S. § 53-62, amended.

provided, further, that the State Banking Commission may authorize the establishment of a teller's window only, for a bank in the community in which its home office or a branch thereof is located, without the allocation of additional capital for said teller's window as otherwise provided by law.

Power of State Banking Commission to authorize bank to establish teller's window only, without extra capital.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 450 **CHAPTER 991**

AN ACT TO AMEND AND CLARIFY CHAPTER 73 OF THE SESSION LAWS OF 1945 AS TO THE ACKNOWLEDGMENT AND PROBATION OF INSTRUMENTS BY MARRIED WOMEN.

The General Assembly of North Carolina do enact:

Ch. 73, Session Laws, 1945, amended.

SECTION 1. That Chapter 73 of the Session Laws of 1945 be, and the same is hereby, amended as follows: Strike out from Section 11 of said Chapter the words "Proof of attested writing. If an instrument required or permitted by law to be registered has a subscribing witness and" in lines 4, 5 and 6 of said Section, and inserting in lieu thereof the following:

Proof of execution of instruments by married women, attested by subscribing witness.

"Proof of attested writing. In all instruments required or permitted by law to be registered, including deeds and mortgages on real estate, executed by a married woman, where her husband is not the grantee, and attested by subscribing witness, the said instruments may be proven and probated by the oath and examination of such subscribing witness before any official authorized by law to take proof, probate or acknowledgments of such instruments, and if", which shall be inserted between the words and figures "Sec. 47-12" and the word "such" in line 6 of said Section 11 of Chapter 73 of the Session Laws of 1945.

Certain legal instruments executed by married women, validated.

SEC. 2. That all acknowledgments, probates and registrations of instruments wherein any married woman was a grantor, including deeds and mortgages on land, made since February 7th, 1945, are hereby validated, approved and declared of full force and effect.

Act not applicable to pending litigation.

SEC. 3. That this Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 451 **CHAPTER 992**

AN ACT AMENDING SECTION 159-42 OF THE GENERAL STATUTES RELATING TO THE SCOPE OF THE LOCAL GOVERNMENT ACT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 159-42 of the General Statutes shall be and the same is hereby amended by striking out at the end of said Section the words "one thousand nine hundred and forty-one" and by substituting in lieu thereof the words "one thousand nine hundred and forty-seven." G. S. § 159-42, amended, as to application of Local Government Act.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 452 **CHAPTER 993**

AN ACT RELATING TO PUBLIC ROADS AND CARTWAYS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of any county is hereby authorized to make rules and regulations with respect to the weight or character of vehicles permitted to travel over any public roads or cartways of such county which public roads or cartways are not under the supervision and control of the State Highway and Public Works Commission. The board may, from time to time, in its discretion, confer with the district highway engineer in order to secure information or advice with respect to its problems in determining proper regulations to be made. In order for such regulations to be effective, the same must be duly adopted by appropriate resolutions of the board, and any weight or other limitations prescribed in such resolutions shall be posted at the courthouse and at appropriate places along the public roads and cartways to which such regulations thus adopted apply. Power to restrict use of roads not under State control; applicable only to Brunswick County. Adoption of rules and regulations. Roads posted.

SEC. 2. If any person, firm or corporation makes any use of any public road or cartway contrary to any regulations adopted and posted as hereinbefore provided, any aggrieved person served by any such public road or cartway which has been Actions to restrain use of roads in violation of regulations.

used by any person, firm or corporation in violation of the regulations above provided for, may bring an action to restrain further use of the roads or cartways in violation of the regulations; any court in granting such restraining order or injunction shall prohibit further use of such public roads or cartways by the defendant or defendants unless said defendant or defendants furnish a bond conditioned upon placing the road in as good condition, and leaving the same in as good condition, as such road or cartway was at the time such defendant commenced his or its improper use thereof. The board of county commissioners shall determine whether or not such condition is adequately complied with.

Powers of Court.

Use of road upon giving bond.

Condition of bond.

Application of Act.

SEC. 3. This Act shall apply only to Brunswick County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 458 CHAPTER 994

AN ACT TO FIX THE SALARY OF THE GOVERNOR FROM AND AFTER JANUARY 1ST, 1949.

The General Assembly of North Carolina do enact:

G. S. § 147-11, amended.

SECTION 1. That G. S. 147-11, Chapter 276, Section 1 of the Public Laws of 1929, fixing the salary of the Governor, be and the same hereby is amended so as to read as follows:

Salary of Governor.

147-11. Salary of Governor. The salary of the Governor shall be ten thousand five hundred dollars ($10,500.00) per annum. He shall be allowed annually the sum of six hundred dollars ($600.00) as traveling expenses in attending to the business for the State and for expenses out of the State and in the State in representing the interest of the State and people, incident to the duties of his office, the said allowance to be paid monthly. In addition to the foregoing allowance, the actual expenses of the Governor while traveling outside the State on business incident to his office shall be paid by the State Treasurer on a warrant issued by the Auditor. *Provided*, that from and after the first day of January, 1949, the Governor shall receive an annual salary of fifteeen thousand dollars ($15,000.00), payable monthly.

Traveling expenses.

Actual expenses on out-of-state business trips.

Salary of Governor, from and after Jan. 1, 1949.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 459 **CHAPTER 995**

AN ACT TO AMEND AN ACT TO THE GENERAL ASSEMBLY OF 1947, THE SAME HAVING BEEN SENATE BILL NO. 169, REGULATING PROFESSIONAL BONDSMEN IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That certain Act of the General Assembly of North Carolina of the Session of 1947, ratified on the eighteenth day of March, 1947, the same having been designated as Senate Bill No. 169, entitled "An Act to Tax and Regulate Professional Bondsmen in Robeson County", is hereby amended by re-writing said Act so as to read as follows: Ch. 316, Session Laws, 1947, amended.

SECTION 1. Every person, firm, association or corporation, who shall engage in the business of signing, endorsing, executing, or becoming surety on appearance bonds, or who shall pledge or deposit any cash, check, or other security of any nature in lieu of any appearance bond, in any court in Robeson County for a fee or compensation and any person or persons employed by such person, firm, association or corporation in any such connection shall apply for and obtain from the County of Robeson, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Robeson County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year. Licensing of professional bondsmen, Robeson County. License tax. Period covered by license.

SEC. 2. In addition to the privilege license provided for in Section 1 of this Act, every person, firm, association or corporation, who shall engage in the business of signing, endorsing, executing or becoming surety on appearance bonds, or who shall pledge or deposit any cash, check, or other security of any nature in lieu of any appearance bond, in any court in Professional bondsmen required to deposit cash or securities with C. S. C.

Robeson County for a fee or compensation, shall, as a condition precedent to engaging in any such business or activity, deposit with the Clerk of the Superior Court of Robeson County not less than three thousand dollars ($3,000.00) in cash or marketable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of the Superior Court of Robeson County, that such cash or marketable securities shall, at all times, be available for the purpose of the payment of any bonds signed by such person, firm, association or corporation, which has been declared by the court to be forfeited. If the amount of any such forfeited bond is not paid within ten days from the date of the forfeiture, the Clerk of the Superior Court of Robeson County is authorized to apply the amount of the forfeiture out of said deposit and the person, firm, association, or corporation, whose deposit is thus reduced, shall immediately, upon notice by the Clerk of the Superior Court of Robeson County, deposit an additional sum with the Clerk of the Superior Court of Robeson County in order that the deposit shall always be in at least the sum of three thousand dollars ($3,000.00), either in cash or marketable securities.

Agreement as to availability of deposit to pay forfeited bonds.

Application of deposit to payment of forfeiture.

Additional deposit required of bondsman, upon notice.

Regulation of fees chargeable by professional bondsmen.

SEC. 3. No person, firm, association, or corporation, who shall execute or become surety upon any appearance bond in any court in Robeson County, shall charge as a fee therefor, or for all services of every nature in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, *provided* that a minimum fee of five dollars ($5.00) is allowed where the amount of the bond is one hundred dollars ($100.00) or less.

Attorneys, etc., prohibited to become surety on appearance bond.

SEC. 4. No licensed attorney, or his wife, child or member of his immediate family shall become surety on any appearance bond in a criminal action instituted or pending in any court in Robeson County in which such attorney appears.

Punishment for violations of Act.

SEC. 5. Any person, firm, association, or corporation, who shall engage in the business or activities defined in Section 1 of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court, and conviction under this Act shall carry with it revocation of the license provided for herein.

Licenses issued only to persons of good moral character.

SEC. 6. The Board of Commissioners of Robeson County shall not issue the license provided for in this Act, unless and until said board is satisfied from an affirmative showing made by the applicant that said applicant is a person of good moral character, and said board shall be the sole judge as to whether

an applicant is a person of good moral character for the purpose of being licensed under this Act.

SEC. 7. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Effect of Act on State-licensed bonding companies.

SEC. 8. That this Act shall apply to Robeson County only.

Application of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 462 **CHAPTER 996**

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF MOORE COUNTY, THE QUESTION OF CONTINUING THE OPERATION OF THE LIQUOR CONTROL STORES AT SOUTHERN PINES AND PINEHURST IN SAID COUNTY.

Preamble:

Operation of liquor control stores at Southern Pines and Pinehurst.

WHEREAS, the liquor control stores now operated at Southern Pines and Pinehurst in Moore County, were established under the provisions of Chapter 493 of the Public Laws of 1935, only after a majority of the qualified registered voters of McNeills Township and Mineral Springs Township in which said stores, respectively, are located, had requested the establishing and operation of such stores; and

Claim of certain electors of Moore County of right to vote on question of liquor stores.

WHEREAS, while under the provisions of the Act, liquor control stores can be operated only at Southern Pines and Pinehurst in said County of Moore and at no other places in said county, certain electors of Moore County residing outside of McNeills Township and Mineral Springs Township, claim the right to vote upon the question of the continued operation of said stores, and it is deemed expedient to extend to them the right to so vote under the provisions of this Act; *Now, therefore,*

The General Assembly of North Carolina do enact:

Provision for election in Moore County on question of continuance of liquor stores at Southern Pines and Pinehurst.

SECTION 1. That upon a petition presented to the Board of Election of Moore County, signed by at least fifteen per centum of the registered voters of Moore County that voted in the last election for governor, requesting therein that an election be held in said county upon the question of the continued operation of said liquor control stores at Southern Pines and Pinehurst, such an election shall be called in said county by

said Board of Elections of Moore County to be held within ninety (90) days after said board has determined said petition to be sufficient, at which said election there shall be submitted to all the qualified registered voters of Moore County the question of whether such liquor control stores at Southern Pines and Pinehurst shall continue to be operated in Moore County. At said election those qualified registered voters who are opposed to the continued operation of said liquor control stores at Southern Pines and Pinehurst shall mark in the voting square to the left of the words "Against Southern Pines and Pinehurst Alcoholic Control Stores," and those qualified registered voters favoring the continuation of the operation of said stores shall mark in the voting square to the left of the words "For Southern Pines and Pinehurst Alcoholic Control Stores," and if a majority of the qualified registered voters of said county shall at said election vote "Against Southern Pines and Pinehurst Alcoholic Control Stores," then the said liquor control stores now operated at Southern Pines and Pinehurst in said county shall be closed within six months following the date of said election, and the Alcoholic Control Board of Moore County shall, within six months, dispose of all alcoholic beverages on hand and such as said board may acquire during said period, and all fixtures and all other property in the hands and under the control of said board, and convert the same into money and shall, after making a true and faithful accounting, turn all moneys in its hands over to the General Fund of the County of Moore. Thereafter, Chapter 1 of the Public Laws of 1923, being commonly known as the Turlington Act shall be in full force and effect in Moore County unless and until further legislation may be enacted to the contrary. In case a majority of the qualified registered voters of Moore County shall not at said election cast their vote "Against Southern Pines and Pinehurst Alcoholic Control Stores," then the said liquor control stores at Pinehurst and Southern Pines shall continue to be operated under existing law and the provision of any laws that may hereafter be enacted for such purpose; and no other election on the question of the continued operation of said stores at Southern Pines and Pinehurst shall thereafter be held in Moore County within three years after the holding of the last election hereunder.

Manner of voting.

Effect of majority vote against operating stores.

Application of Turlington Act, upon majority vote against stores.

Effect of failure of majority vote against stores.

Limitation of time between elections on same question.

SEC. 2. That in case a petition shall be presented to the Board of Elections of Moore County, signed by at least fifteen per centum of the qualified registered voters of said county that voted in the last election aforesaid, the said Board of Elections of Moore County shall call said election to be held within ninety (90) days after said board has found said petition to be sufficient, and give at least twenty days' public notice of the same in some newspaper published in said

Duty of Elections Board to call election, upon presentation of petition.

Publication of notice of election.

county. Such election so called shall be held under all the laws in force for the election of Members of the General Assembly, and the registration books shall be open for the registration of legally qualified voters for the same periods required by law for elections of Members of the General Assembly, but no new registration shall be had for holding said election and all qualified electors who are properly registered prior to the calling of this special election, as well as those electors who register for this special election so called, shall be entitled to vote at said election. At the close of said special election so called to determine the will of the people on the question of the continued operation of said stores, the registrars and poll holders of each election precinct shall count the ballots cast and certify the number of votes cast against and for the continued operation of said liquor control stores and also certify in the returns reporting the results of said election the total number of registered voters appearing upon the registration books of such voting precinct, after first striking out and erasing from said registration books the names of all persons who are dead or removed from the county, or otherwise disqualified to vote. Such reports of the registrar and judges of election of each voting precinct showing the results of said election as aforesaid in such precinct shall be returned to the county board of canvassers provided by statute for the ascertainment of the result of general elections in the county, and this board shall meet as prescribed by law in the courthouse of the county on the second day after said special election and canvass and determine the results of said election and make report thereof as prescribed and fixed by statute for holding regular elections for Members of the General Assembly. If, upon canvass of said election by said canvassing board, it is determined that less than a majority of the qualified registered voters of said county cast their ballots at said election "Against Southern Pines and Pinehurst Alcoholic Control Stores," then the operation of said liquor control stores at Southern Pines and Pinehurst shall be continued under existing law, and no other election on said question shall be held in Moore County within three years of said election; and no election under this Section shall be held on the day of any biennial election for county officers, or within sixty days of such an election, and the date of such elections under this Section shall be fixed by the board of elections of the county wherein the same is held, and no election shall be held on the question of operating alcoholic control stores in Southern Pines and Pinehurst except under the provisions of this Act.

Conduct of election.

Registration.

Certification of election results.

Report of total number of registered voters.

Determination of election results by Board of Elections.

Effect of failure of majority of registered voters to vote against stores.

Restrictions concerning holding of election.

SEC. 3. That the costs of said election so called and held shall be paid by Moore County, the amount thereof to be fixed

Cost of election paid by Moore County.

and determined by the fees and compensation governing general elections.

Conflicting laws repealed.

SEC. 4. That all laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5the day of April, 1947.

S. B. 466 **CHAPTER 997**

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF WHITAKERS, IN NASH AND EDGECOMBE COUNTIES, TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN TWO MILES OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Extension of jurisdiction and powers of police officers, Town of Whitakers.

SECTION 1. The chief of police and each and every member of the police department of the Town of Whitakers, in Nash and Edgecombe Counties, are hereby given the same jurisdiction, authority and power in all territory situated within two miles of the corporate limits of said Town of Whitakers as is now provided for and exercised by police officers within the corporate limits of the said Town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 468 **CHAPTER 998**

AN ACT TO AMEND SECTION 120-35 OF THE GENERAL STATUTES SO AS TO PROVIDE ADDITIONAL COMPENSATION TO THE PRINCIPAL CLERKS OF THE GENERAL ASSEMBLY FOR INDEXING THE JOURNALS.

The General Assembly of North Carolina do enact:

G. S. § 120-35, amended, as to compensation of principal clerks, General Assembly.

SECTION 1. That Section 120-35 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out in line two of said Section the words "four hundred" and inserting in lieu thereof the words "seven hundred fifty".

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 477 CHAPTER 999

AN ACT TO APPROPRIATE FIFTEEN THOUSAND DOLLARS ($15,000.00) FOR EACH YEAR OF THE BIENNIUM, 1947-1949, TO THE DEPARTMENT OF AGRICULTURE RELATING TO LABELING, INSPECTION, AND STANDARDS OF MILK.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby appropriated out of the general fund the sum of fifteen thousand dollars ($15,000.00) for each year of the biennium, 1947-1949, to be used by the Department of Agriculture in carrying out the provisions of Article 12 of Chapter 106 of the General Statutes of North Carolina relating to labeling, inspection, and standards of milk. Appropriation for use by Department of Agriculture, in labeling, inspecting etc., milk.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 236 CHAPTER 1000

AN ACT AUTHORIZING THE CREATION OF A SHELLFISH DIVISION IN THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT AND THE APPOINTMENT OF A DIRECTOR AND PROVIDING FUNDS FOR THE OPERATION OF SUCH DIVISION.

WHEREAS, pursuant to Resolution No. 48 adopted by the General Assembly of 1945, the Governor appointed a commission consisting of P. D. Midgett, Jr., Chairman, T. S. Meekins, Elijah Edwards, R. A. Whorton, Dr. H. F. Prytherch, Joe Fulcher, J. F. Howard, and Fitzhugh L. Formyduval for the purpose of studying the conditions with respect to the cultivation and marketing of oysters and clams in Eastern North Carolina; and Preamble:

Appointment of commission to study cultivation and marketing of oysters and clams.

Report of Commission filed.

WHEREAS, said commission has filed its report with the Governor and has been transmitted by him to the General Assembly; and

Recommendations for establishment of Shellfish Division, Department of Conservation and Development.

WHEREAS, said report, among other things, recommends the establishment of a division under the Department of Conservation and Development, to be known as the Shellfish Division, to supervise and conduct the management, rehabilitation, production, protection, and development of the oyster, clam, scallop, and other bivalve resources in the coastal waters of the State and to provide a revolving fund of two hundred fifty thousand dollars ($250,000.00) for the operation of the Division and the levying of certain taxes and fees on the industry to make such Division as nearly self-sustaining as possible: *Now, therefore,*

The General Assembly of North Carolina do enact:

Purpose of Act; development of oyster and other bivalve resources.

SECTION 1. Statement of Purpose. The purpose of this Act is to authorize the Department of Conservation and Development, through the Division of Commercial Fisheries, to manage, restore, develop, cultivate, conserve, and rehabilitate the oyster, clam, scallop, and other bivalve resources in the waters of Eastern North Carolina by qualified, specialized personnel.

Powers of Board of Conservation and Development.

SEC. 2. Powers of the Board of Conservation and Development.

Oyster rehabilitation program.

I. The Department of Conservation and Development shall conduct, through the Division of Commercial Fisheries, a large oyster rehabilitation program consisting of large-scale operations for the planting of shells and seed oysters on natural oyster beds and other areas found to be suitable for oyster growth or reproduction, and subject to budgetary provisions, may procure suitable and adequate boats, barges, and the other suitable materials, and for collecting and transplanting seed and adult oysters, and for the proper and adequate enforcement of the statutes and regulations adopted pursuant thereto for the protection of marine bivalve resources.

Power to adopt rules and regulations.

II. The Board of Conservation and Development is authorized and empowered to adopt rules and regulations to enforce the provisions of this Act and to carry out its true purpose and intent, and in particular, dealing with and controlling the following subjects:

Limitation of daily take of oysters from public beds.

A. To limit the number of bushels of marketable oysters which may be taken from public beds in any one day and the number, weight, and size of dredges, but no one boat may take more than seventy-five (75) bushels in one day.

B. To close any or all portions of the public oyster beds when it is determined that such action will be beneficial to the shellfish industry or for the protection and propagation of oysters or because of prevailing marketing conditions. Power to close oyster beds.

C. To levy licenses, taxes, and fees not in excess of the following: Levy of licenses, taxes, and fees.

1. A tax not exceeding eight cents (8c) per bushel on oysters.

2. An annual license of fifteen dollars ($15.00) on each oyster dredge boat.

3. A license of twenty-five dollars ($25.00) on each packer, shucker, and canner, and to require the contribution of not more than fifty per cent (50%) of their oyster shells accumulated annually for planting on public beds.

D. To require persons dredging oysters from public beds to obtain a license and to deny the issuance of licenses to nonresidents, or to boats owned by nonresidents, or on which a lien is held by a nonresident. Licensing powers.

E. To regulate, control, or prohibit the importation of new species of lollusces such as the Pacific oyster, Ostrea gigas. Regulation of importation of new species.

F. To regulate, control, or prohibit the shipment of oysters in the shell out of the State of North Carolina and the sale of oysters in the shell for shipment out of the State. If the board permits the sale of such oysters to nonresidents or for the purpose of shipment out of the State the purchasers shall pay a tax of fifty cents (50c) per bushel in addition to any other tax or fee levied. Regulation of shipments and sales of oysters in shell out of State. Tax.

SEC. 3. There is hereby appropriated out of the general fund of the State to the Department of Conservation and Development, for the use and benefit of the Division of Commercial Fisheries, the sum of one hundred thousand dollars ($100,000.00) to serve as a revolving fund to carry out the provisions of this Act; and any portions of said fund remaining unexpended at the end of any fiscal year shall be carried over into the next fiscal year until otherwise directed by the General Assembly of North Carolina. Appropriation for use by Division of Fisheries. Disposition of unexpended funds.

SEC. 4. To make the program herein authorized self-supporting in so far as possible, all licenses, taxes, and fees imposed by this Act or by other statutes applicable to shellfish shall be deposited with the State Treasurer to be used solely to effectuate the purposes and requirements of this Act. Use of proceeds from licenses, taxes, fees.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 385 CHAPTER 1001

AN ACT TO AMEND CHAPTER 63-12 AND 63-18, GENERAL STATUTES, RELATING TO AERONAUTICS.

The General Assembly of North Carolina do enact:

G. S. § 63-13, amended, as to lawfulness of flight of aircraft.

SECTION 1. That Section 13 of Chapter 63, General Statutes, be and the same is hereby amended by inserting after the word "be" and before the word "imminently" appearing in line 7 of said Section, the following words: "injurious to the health and happiness, or".

G. S. § 63-18, amended, as to dangerous flying; punishment.

SEC. 2. That Section 18 of Chapter 63, General Statutes, be and the same is hereby amended by striking out from said Section the words "endanger the persons" appearing in line 6 after the word "to" and before the word "on", and by inserting in lieu of said words so stricken from said Section the following: "disturb the public peace or the rights of private persons in the enjoyment of their homes, or injure the health, or endanger the persons or property".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 418 CHAPTER 1002

AN ACT TO AMEND THE CHARTER OF THE CITY OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 243, Private Laws, 1911, revised charter of Statesville, amended.

SECTION 1. That Chapter 243 of the Private Laws of North Carolina for the year 1911 and the Act entitled "An Act to

revise, amend and consolidate the charter of Statesville, Iredell County, North Carolina", as heretofore amended be amended so as to include the following:

Creation of Civil Service Board, Statesville.

SEC. 2. That there is hereby created a Civil Service Board for the City of Statesville, Iredell County, North Carolina to consist of three members who shall be appointed and hold office as hereinafter provided. The original Board shall consist of: James A. Brady, who shall serve for a term of three years; C. B. Myers, who shall serve for a term of two years; and Harry Gatton, who shall serve for a term of one year, or until their respective successors are duly appointed and qualified. At the expiration of the term of each member herein appointed his successor shall be appointed by the Resident Judge of the Superior Court of the Judicial District, of which Iredell County is a part, and such successor shall serve for a period of two years. Any vacancy occurring on said Board, regardless of the cause thereof, shall be filled by the said Resident Judge as herein provided, and the term of any person appointed to fill a vacancy shall expire upon the expiration of the term of the person in whose place he was appointed. No member of the Civil Service Board shall be eligible at the end of a regular two year term for reappointment.

Members named; terms.

Subsequent appointment of members.

Terms.

Vacancies filled.

Members not eligible for reappointment.

Persons eligible for membership on Civil Service Board.

SEC. 3. Any person other than a member of the board of aldermen or any elective officer, who is a qualified voter in the municipal elections in the City of Statesville, and who is not a member or employee of the police or fire department, or an employee of the City of Statesville shall be eligible for membership on said Civil Service Board, *provided* that at least one of the said members shall be a member of the Republican party. Each member of the said Civil Service Board shall take oath (or affirmation) for the faithful discharge of the duties of their office. The members of the said Civil Service Board shall be subject to removal from office by the Resident Judge of the Superior Court for malfeasance in office, or for neglect or violation of any official duty in connection with the said Civil Service Board, or for any violation of the laws of the State of North Carolina, for any cause which, in the discretion of the said Resident Judge, makes such removal to the best interests of the public.

Oath.

Removal of members; grounds.

Duties of Civil Service Board.

SEC. 4. That said Civil Service Board shall establish and fix requirements of applicants for employment in the Police Department and the Fire Department of the City of Statesville, and shall make all such general rules and regulations for requirements of applicants, the conduct and the services of the employees of the said departments as it may deem advisable; said rules and regulations shall be printed and

made available for public inspection and for the use of the employees of, and applicants for, employment in said Departments.

Applicants for positions in police and fire departments, subject to examination.

Sec. 5. That all applicants for positions in the Police Department or Fire Department of the City of Statesville shall be subject to an examination by the said Civil Service Board, which examination shall be competitive and open to all persons who are qualified voters of the City of Statesville, subject to a reasonable limitation as to residence, age, health, moral character and general reputation, which said examinations shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position which he seeks to be appointed to, and shall include tests of physical, mental and moral qualifications, but no applicant shall be examined concerning his political opinions or affiliations. Due regard shall be given by said Civil Service Board in its examination of applicants for positions in the Police Department and Fire Department to the experience or training of any applicant which may fit him for the duties which he would be called upon to discharge as a member of the said Department, and the findings of the Civil Service Board shall be conclusive.

Nature of examinations.

Board required to give due regard to training and experience of applicants.

Findings of Board conclusive.

Notice of examinations.

Sec. 6. That notice of the time and place of every examination shall be given by the Civil Service Board by publication daily for one week immediately preceding such examination in some newspaper published in the City of Statesville, State of North Carolina; said notice to set forth the number and kind of vacancies in the said Department which shall be filled by the said Civil Service Board.

Register of applicants successfully passing examinations.

Sec. 7. That the said Civil Service Board shall prepare and keep a register of persons successfully passing examinations given by them, such persons to be graded according to their respective showing upon said examinations; and the said Civil Service Board shall make appointments to vacancies which occur in the said Departments on a basis of the grades made by the various applicants upon the examinations so given. All examinations given by the said Civil Service Board shall be made under the rules and regulations established by said Civil Service Board.

Appointments to vacant positions on basis of grades made on examinations.

Election of Chairman and permanent secretary of Board. Terms.

Sec. 8. The said Civil Service Board shall have authority to elect from its members a chairman and a permanent secretary, who shall hold office for one year, subject to re-election upon the approval of the Civil Service Board. Said secretary shall keep the minutes of the proceedings of the Civil Service Board and shall be the custodian of all the papers and records pertaining to the business of the said Board, and shall keep an accurate record of all examinations held and the results thereof, and shall perform such other duties as the Board

Duties of secretary.

shall prescribe or direct. All of the records of the said Civil Service Board shall be open to inspection by the public at all times.

Records of Board open to public.

SEC. 9. That the Mayor and the Board of Aldermen of the City of Statesville shall provide suitable rooms in the City Hall for the said Civil Service Board and shall provide all necessary clerical and stenographic help and all stationery, forms, and other supplies needed by the said Civil Service Board, and shall allow such reasonable use of the facilities of the City Hall for the holding of examinations by the said Board as may be necessary for the proper conduct of the affairs of the Civil Service Board.

Provision for office space, clerical help, etc., for Civil Service Board.

SEC. 10. That the members of the Civil Service Board shall receive as compensation for each meeting the same rate of pay as the members of the Board of Aldermen.

Compensation of members of Board.

SEC. 11. The Police Department of the City of Statesville shall consist of a chief and such number of Policemen as the Board of Aldermen shall in its discretion deem sufficient to provide security and exercise the Police powers in the City of Statesville. The members of the Police Department shall be of such grade and classification as the Civil Service Board in its discretion deem necessary for the efficient functioning of said Department.

Composition of Police Department, Statesville.

SEC. 12. The Fire Department of the City of Statesville shall consist of a Chief and such number of Firemen and other personnel as the Board of Aldermen in their discretion deem necessary and sufficient to maintain and operate the fire fighting equipment, to provide for building inspections and to afford fire protection for the City of Statesville. The members of the Fire Department shall be of such grade and classification as the Civil Service Board shall in its discretion deem necessary for the efficient functioning of said Department.

Composition of Fire Department, Statesville.

SEC. 13. The Civil Service Board may recommend to the Board of Aldermen the salaries to be paid to the Chief and other members of the Police Department and the Fire Department of the City of Statesville and the Board of Aldermen of the City of Statesville shall fix the compensation of the members of the Police Department and the Fire Department according to the various grades and classifications of the several positions. The said Board of Aldermen shall appropriate and include in the budget of the City sufficient funds to pay the salaries of the personnel of the Police Department and the Fire Department and the other expenses incident to the proper functioning of the said Departments and of the Civil Service Board. The compensation of all of the employees of the Police Department and the Fire Department of the

Recommendations as to salaries of police and fire department personnel.

Compensation fixed by Aldermen.

Appropriations for salaries.

Payment of salaries of police and fire department personnel.

City of Statesville shall be paid by the City Clerk and Treasurer of the City of Statesville on the same dates as other City employees.

Appointment of Chief and members of Police Department.

Control and direction.

SEC. 14. That the Chief and members of the Police Department of the City of Statesville shall be appointed by a majority vote of the Civil Service Board. The Chief of the Police Department and the members of said Department shall be under the direction and control of, and shall be directly responsible to, the Mayor and the Board of Aldermen of the City of Statesville for the proper enforcement of the laws of the State of North Carolina in the City.

Appointment of Chief and members of Fire Department.

Control and direction.

SEC. 15. That the Chief and members of the Fire Department of the City of Statesville shall be appointed by a majority vote of the Civil Service Board. The Chief of the Fire Department and the members of said Department shall be under the direction and control of, and shall be directly responsible to the Mayor and the Board of Aldermen of the City of Statesville for the proper maintenance and operation of the fire fighting equipment and for providing methods, and the training of members of said Fire Department in the proper methods, of fire fighting technique to the end that ample fire protection will be afforded to the residents of the City of Statesville.

Suspension of Chiefs of Police and Fire Departments.

Procedure in case of suspension.

Appointment of new Chief.

SEC. 16. The Board of Aldermen of the City of Statesville or the Civil Service Board shall have the power to suspend from office the Chief of the Police Department or the Chief of the Fire Department for malfeasance in office, drunkenness, dishonesty, neglect of official duty, or for failure to obey the orders duly issued to him by the Board of Aldermen. In case of such suspension of the Chief of the Police Department or the Chief of the Fire Department by the said Board of Aldermen, the Board of Aldermen shall certify such action on their part in writing, together with a statement of the cause, or causes, for the said suspension to the Civil Service Board, which shall, within ten days from the receipt of such certificate, either overrule such suspension and restore said Chief to duty, or shall confirm such suspension, take such additional action as in its discretion shall see fit, and proceed immediately to the election or appointment of a new Chief of said Department. The Civil Service Board shall notify the Board of Aldermen of the action taken.

Promotions within Police and Fire Department.

Control and direction of members.

SEC. 17. That all promotions within the Police Department or the Fire Department of the City of Statesville shall be made by the Chief of each Department by and with the approval of the said Civil Service Board, and the members of the said Departments shall be under the control and direction of the respective Chief of each Department, who shall be

held responsible for the proper conduct of the affairs of his respective Department; that the Chief of the Police Department and the Chief of the Fire Department or the Civil Service Board may suspend any employee or member of their respective Department for any misconduct in office, drunkenness, dishonesty, insubordination, or for the infraction of any rules laid down by the Civil Service Board, pending an investigation by the said Civil Service Board, such suspension not to exceed fifteen days at one time. In case of such suspension of any officer, as provided in this Act, the Civil Service Board shall make a thorough investigation into the charges made against said member or employee, and shall hear any complaint which may be made against the said police officer, member of the Fire Department, or other employee by any citizen or official of the City of Statesville; and the said Civil Service Board may dismiss, remove or discharge any police officer, member of the Fire Department, or other employee of said Departments upon the conclusion of any such hearing for the causes herein set out, after first giving the accused ample opportunity to be heard and present evidence in his own behalf.

Grounds for suspension.

Investigation of charges made by Civil Service Board.

Discharge of members of Police and Fire Departments.

Hearing.

SEC. 18. That on the first day of each and every calendar month the chief of the Police Department and the Chief of the Fire Department shall prepare and certify to the Board of Aldermen of the City of Statesville and to the Civil Service Board a statement of the conduct of the affairs of their respective Departments, and said report shall contain any suggestions for improvement in the service or personnel of said Departments. Said reports shall be kept in the files of the Civil Service Board and in the files of the Board of Aldermen and shall constitute an official record with the said bodies.

Monthly reports by Chiefs of Police and Fire Departments.

SEC. 19. That on the first day of each calendar year the Civil Service Board shall make an annual report of its actions for the preceding year to the Resident Judge of the Superior Court, such report shall include all rules and regulations in force, the first report to be made on the first day of January, 1948.

Annual reports by Civil Service Board to Resident Judge of Superior Court.

SEC. 20. That no member or employee of the Police Department or the Fire Department of the City of Statesville shall take any part in any election or political function other than that of exercising his right of suffrage, and the said Civil Service Board is hereby empowered to summarily dismiss any member or employee of the Police Department or the Fire Department who shall be guilty of conduct in the violation of this Section.

Political activity by employees of Police and Fire Departments, prohibited.

SEC. 21. On or before the 30th day of June, 1947 the Civil Service Board, herein created, shall hold examinations to de-

Time for holding first examinations.

termine the qualifications of the applicants for the various positions in the Police Department and in the Fire Department of the City of Statesville, and shall prepare a register of all applicants successfully passing said examination and found to be qualified by the Civil Service Board, and such register shall constitute the eligible list of applicants for appointment to the several positions in the Police Department and the Fire Department; *provided* that the applicant standing highest in the competitive, physical and mental examination shall be first appointed to the position for which he applied.

Register of successful applicants.

Appointment procedure.

Names on eligibility list for two years, stricken therefrom.

SEC. 22. All names on the eligible list which shall have remained on said eligible list for a period of two years, shall be stricken therefrom, unless the applicant shall file a new application.

Notice by Aldermen to Civil Service Board of number of police and firemen needed.

SEC. 23. That on or before the 30th day of June, 1947 the Board of Aldermen of the City of Statesville shall notify the Civil Service Board, in writing, of the number of Policemen and the number of Firemen which the said Board of Aldermen desires appointed by the Civil Service Board. That at any time thereafter the Board of Aldermen of the City of Statesville may notify the Civil Service Board, in writing, of any additional personnel needed for either of said Departments.

Notice of additional requirements.

Continuance of present Chiefs and members, Police and Fire Departments.

SEC. 24. That the present Chiefs and members of the Police Department and the Fire Department of the City of Statesville shall, at the pleasure of the Board of Aldermen, continue to serve in their respective capacities until the 1st day of July, 1947, at which time the applicants chosen and appointed in accordance with the provisions of this Act, shall take over and assume the duties of the respective Departments. *Provided,* that nothing herein shall be construed to prohibit the Chiefs and members of the Police Department or the Fire Department, as now constituted, from being applicants for any position with said Departments.

Assumption of duties by new appointees.

Provision for equipment and facilities for Police Department.

SEC. 25. That it shall be the duty of the Board of Aldermen of the City of Statesville to furnish to the Chief of the Police Department and to the officers and employees thereof all equipment and supplies, including wireless telephone, and/or radio broadcasting equipment, and/or to contract with Iredell County, North Carolina for joint use of its facilities, necessary and helpful to the proper performance of their office.

Provision for equipment and facilities for Fire Department.

SEC. 26. That it shall be the duty of the Board of Aldermen of the City of Statesville to furnish to the Chief of the Fire Department and to the firemen and employees thereof all fire fighting equipment, trucks, alarm system, and any other equipment and supplies necessary and helpful to the proper performance of their duties and sufficient to afford

ample fire protection to the City of Statesville.

SEC. 27. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 28. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 426

CHAPTER 1003

AN ACT TO AMEND GENERAL STATUTES 7-134 RELATING TO FEES OF JUSTICES OF THE PEACE, AS IT APPLIES TO CERTAIN FEES OF JUSTICES OF THE PEACE IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 7-134 of the General Statutes of North Carolina is hereby amended by adding the following at the end thereof: G. S. § 7-134, amended.

Notwithstanding any other provisions of this Section, Justices of the Peace in Transylvania County shall receive the following fees in the following instances: Schedule of fees of Justices of Peace, Transylvania County.

(a) In criminal actions: Criminal actions.

Issuing warrant, including affidavit	$1.25
Judgment, uncontested	1.00
Trial and judgment (contested)	2.00
Issuing capias	.60
Making bond	.50
Commitment to jail (failure to make bond)	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

(b) In civil actions: Civil actions.

Issuing summons, one defendant	.75
Each additional defendant	.35
Judgment, uncontested	.85
Trial and judgment (contested)	1.50
Making bond	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 478 **CHAPTER 1004**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE STATUS OF AGRICULTURAL FAIRS, AND TO RECOMMEND STANDARDS THEREFOR.

Preamble:

Bona fide Agricultural Fairs essential to advancement of agriculture.

WHEREAS, North Carolina being primarily an agricultural State and the holding of bona fide Agricultural Fairs being essential to the proper encouragement and advancement of our agricultural interests; and

Tendency towards exploitation of natural agricultural interests by holding carnivals, etc.

WHEREAS, there has developed a growing tendency on the part of certain selfish commercial interests to exploit the natural interest of our people along agricultural lines by the holding of fairs and sundry carnivals, shows, and exhibitions of a purely commercial and often unsavory nature under the guise and assumed name of an Agricultural Fair; and

Abuse of name and character of Agricultural Fairs.

WHEREAS, this flagrant abuse of the name and character of an Agricultural Fair by such carnivals, shows and exhibitions is contrary to the public interest, being designed and calculated to work a species of fraud on the general public, or in some instances to result in an evasion of the payment of the proper taxes by such carnivals, shows and exhibitions while sailing under the false colors of an Agricultural Fair: *Now, therefore,* in order to protect the public interest and preserve the reputation and integrity of our bona fide Agricultural Fairs;

The General Assembly of North Carolina do enact:

Creation and appointment of commission to investigate and report on abuses affecting Agricultural Fairs.

SECTION 1. Creation and appointment of commission. There is hereby created a commission of seven members, who shall serve without compensation. The members of such commission shall be appointed by the Governor, and each shall be a public-spirited citizen conversant with the agricultural interests and problems of the State. The members of such commission shall serve at the pleasure of the Governor, and until their several successors are appointed and qualified.

Terms.

Duties of commission.

SEC. 2. Duties of commission. The commission shall elect a chairman from its membership and adopt rules for its governance and proceed to conduct investigations into the abuses suggested in the preamble to this Bill and into the status of the various carnivals, shows, exhibitions and so-called Agricultural Fairs operating or proposing to operate under the name of an Agricultural Fair.

Report to Governor of findings and recommendations.

The commission shall also submit to the Governor at least sixty days before the convening of the next Session of the General Assembly a formal report of its findings and con-

clusions, together with recommendations covering suggested legislation designed to correct such abuses as may be found to exist. The commission shall also make specific recommendations setting up standards and definitions of what shall constitute an Agricultural Fair under the laws of the State of North Carolina.

SEC. 3. All laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 481 CHAPTER 1005

AN ACT RELATING TO FISHING IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any other statutes of this State or the regulations of any department, agency or bureau of the State, it shall be lawful for shad and herring to be taken with skim or gill nets of not less size bar than 1½ inches at any time Thursday, Friday and Saturday from April 1st to June 15th of any year in Fishing Creek, Swift Creek, wherever said creeks border on or run through or across Nash County: *Provided*, that no nets or combination of nets of any description shall be so set or used as to extend across or obstruct more than two-thirds (2/3) of the width of any such stream. Taking shad and herring with skim or gill nets, during certain times, certain creeks, Nash County, made lawful.

SEC. 2. The provisions of this Act shall not be changed by any rule or regulation promulgated by any state department, board, bureau or other agency. Act not affected by rules and regulations of State agencies.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 63 **CHAPTER 1006**

AN ACT TO PROMOTE SAFETY UPON THE HIGHWAYS AND TO PROVIDE FOR THE GIVING OF PROOF OF FINANCIAL RESPONSIBILITY AND SECURITY BY CERTAIN OWNERS AND OPERATORS OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Short title.

SECTION 1. Title. The short title of this Act shall be "Motor Vehicle Safety and Responsibility Act".

Purposes of Act.

SEC. 2. Purposes of Act. The purposes of this Act are to promote greater safety in the operation of motor vehicles in this State and to require financial responsibility of reckless, inefficient and irresponsible operators of motor vehicles, and of operators and owners of motor vehicles involved in accidents; and it is the legislative intent that this Act be liberally construed so as to effectuate these purposes, as far as legally and practically possible.

Definitions.

SEC. 3. Definitions. Unless a different meaning is clearly required by the context—

"Chauffeur."

"Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Commisioner."

"Commissioner" means the Commissioner of Motor Vehicles.

"Conviction."

"Conviction" means conviction upon a plea of guilty, or of nolo contendere, or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended, and it includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant, unless the forfeiture has been vacated.

"Department."

"Department" means the Department of Motor Vehicles, acting directly or through its duly authorized officers and agents.

"Insured."

"Insured" means the person in whose name there is issued a motor vehicle liability policy, as defined in this Act, and any other person insured under its terms.

"Judgment."

"Judgment" means any judgment which has become final by expiration without appeal of the time within which appeal might be perfected, or by final affirmance on appeal, rendered by a court of competent jurisdiction of this State, any other State of the United States, the United States, any territory, district or possession of the United States, and under its exclusive control, the District of Columbia, the Dominion of

Canada, Newfoundland, or any province or territorial subdivision of either.

"Motor Vehicle" means every vehicle which is self-propelled, or designed for self-propulsion, and every vehicle drawn, or designed to be drawn, by a motor vehicle, and includes every device in, upon or by which any person or property is or can be transported or drawn upon a highway, except devices moved by human or animal power, and devices used exclusively upon stationary rails or tracks, and vehicles used in this State but not required to be licensed by the State. "Motor vehicle."

"Nonresident" means every person who is not a bona fide resident of this State. "Nonresident."

"Operator" means every person other than a chauffeur who is in actual physical control of a motor vehicle. "Operator."

"Owner" means a person who holds the legal title to a vehicle. In the event a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee of the mortgagor is deemed the owner; *Provided*, that in all such instances, when the rent paid by the lessee includes charge for services of any nature, or when the lease does provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor is to be deemed the owner and the vehicle shall be subject to such requirements of this Act as are applicable to vehicles operated for compensation. "Owner."

"Person" includes individuals, firms, partnerships, associations, corporations, receivers, trustees, assignees for the benefit of creditors, executors, and administrators, but does not include the State of North Carolina or any political subdivision thereof. "Person."

Masculine terms include feminine. Whenever the masculine form of a word is used herein, it shall be construed to include the feminine, unless the context clearly requires the contrary. Masculine terms include feminine.

SEC. 4. Motor vehicle liability policy defined.

(1) "Motor Vehicle Liability Policy", when used herein, means an owner's or an operator's policy of liability insurance certified, as provided by this Act, by an insurance carrier licensed to do business in this State, or by an insurance carrier not licensed to do business in this State upon compliance with the provisions of this Act, as proof of financial responsibility, or a policy issued under the provisions of the assigned risk plan prescribed by this Act and issued by an insurance carrier "Motor Vehicle Liability Policy."

authorized to transact business in this State, to or for the benefit of the named insured.

Requirements as to owner's policy.

(2) Every owner's policy shall—

Description of vehicle covered.

(a) Designate by explicit description, or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted.

Persons covered by policy.

(b) Insure as insured the person named, and any other person using or responsible for the use of the motor vehicle with the permission, expressed or implied, of the named insured, or any other person in lawful possession, and

Liability covered by policy.

(c) Insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such motor vehicle or motor vehicles within this State, any other State of the United States, any territory, district or possession of the United States, and under its exclusive control, the District of Columbia, the Dominion of Canada, Newfoundland, or any province or territorial subdivision of either, subject to a limit exclusive of interest and costs, with respect to each motor vehicle, of five thousand dollars ($5,000.00) because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, to the limit of ten thousand dollars ($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and to a limit of one thousand dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

Liability limitations.

Requirements as to operator's policy.

(3) Every operator's policy shall insure the person named therein as insured against loss from liability imposed upon him by law for damages, including damages for care and loss of services of bodily injury to or death of any person, and injury to or destruction of property, arising out of the use by him of any motor vehicle not owned by him, within the territorial limits and subject to the limits of liability set forth with respect to an owner's policy.

Requirements as to every policy subject to Act.

(4) Every policy of insurance subject to the provisions of this Act—

Agreement that insurance meets coverage requirements of this Act.

(a) Must contain an agreement that the insurance is provided in accordance with the coverage defined in this Act as respects bodily injury, death, property damage and destruction, and that it is subject to all the provisions of this Act and of the laws of this State relating to this kind of insurance;

(b) May grant any lawful coverage in excess of or in addition to the coverage herein specified, and this excess or additional coverage shall not be subject to the provisions of this Act, but shall be subject to other applicable laws of this State.

Excess coverage.

(5) Every policy shall be subject to the following provisions which need not be contained therein:

Certain provisions not required to be in policy.

(a) The liability of any insurance carrier to the insured under a policy becomes absolute when loss or damage covered by the policy occurs, and the satisfaction by the insured of a judgment for loss or damage shall not be a condition precedent to the right or duty of the carrier to make payment on account of the loss or damage;

Liability of insurance carrier absolute, upon loss or damage.

(b) No policy shall be cancelled or annulled, as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for the loss or damage, and any attempted cancellation or annulment shall be void.

Cancellations after insured's responsibility for damages, prohibited.

(c) If the death of the insured occurs after the insured has become liable during the policy period, for loss or damage covered by the policy, the policy shall not be terminated by the death with respect to the liability, and the insurance carrier shall be liable thereunder as though death had not occurred.

Insurance carrier's liability continued, regardless of insured's death.

(d) Upon the recovery of a judgment against any person for loss or damage if the person or the decedent he represents was at the accrual of the cause of action insured against the liability under the policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment;

Application of insurance money to satisfaction of judgment.

(e) If the death, insolvency, or bankruptcy of the insured occurs within the policy period, the policy, during the unexpired portion of the period, shall cover the legal representative of the insured;

Coverage of legal representative of insured, in case of insured's death, insolvency, etc.

(f) No statement made by the insured or on his behalf, and no violation of the terms of the policy, shall operate to defeat or avoid the policy so as to bar recovery within the limits provided in this Act.

Violations of policy terms not to defeat policy within limits of Act.

(6) Any policy may provide—

Authorized provisions of policy.

(a) That the insured, or any other person covered by the policy shall reimburse the insurance carrier for payments made on account of any accident, claim or suit involving a breach of the terms, provisions or conditions of the policy;

Reimbursement of insurance carrier where policy breached by insured.

Proration of insurance.

(b) For proration of the insurance with other applicable valid and collectible insurance.

Provision for binder agreement pending issuance of policy.

(7) Insurance carriers, authorized to issue policies as provided in this Act, may, pending the issuance of the policy, execute an agreement to be known as a binder, which shall not be valid beyond thirty days from the date it becomes effective, or may, in lieu of a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as a formal policy. The provisions of this Act apply to such binders and endorsements.

Endorsements to existing policies.

Act applicable to binders, etc.

Provision for cancellation of policy by insurance carrier.

(8) When an insurance carrier has certified a policy under the provisions of this Act, the insurance so certified cannot be cancelled or terminated until at least twenty days after a notice of cancellation or termination of the insurance has been filed in the office of the commissioner, except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Policies not in compliance with Act prohibited.

(9) No policy required under this Act shall be issued or delivered in this State unless it complies with the terms and conditions of this Act, and with all other applicable and not inconsistent laws of the State now or hereafter in force.

Several policies meeting requirements, deemed "motor vehicle liability policy."

(10) Several policies of one or more insurance carriers which together meet the relevant requirements of this Act shall be deemed a "motor vehicle liability policy" within the meaning of this Act.

Liability to employees covered by Workmen's Compensation Act, not covered.

(11) Policies issued under the provisions of this Act shall not insure any liability of the employer on account of bodily injury to, or death of, an employee of the insured for which benefits are payable under any workmen's compensation law.

Administration and enforcement of Act.

SEC. 5. Commissioner authorized to adopt regulations and administer Act. The commissioner shall administer and enforce the provisions of this Act, and he is authorized to adopt regulations for its administration in accordance with the guiding principles prescribed in, and not inconsistent with, the terms of this Act.

Rules and regulations.

When Act not applicable.

SEC. 6. When Act does not apply. This Act, except its provisions as to the filing of proof of financial responsibility by a common carrier for its drivers and chauffeurs, does not apply to any vehicle operated under a permit or certificate of convenience and necessity issued by the North Carolina Utilities Commission, if public liability and property damage insurance for the protection of the public is required to be

carried upon it, or to any motor vehicle owned by the State of North Carolina, or any political subdivision thereof. However, this Act shall not be construed to exempt the driver or operator of any motor vehicle owned by the State of North Carolina, or any political subdivision thereof, from the provisions of this Act.

Proof of financial responsibility when driver's license suspended or revoked.

Effect of Act on powers and duties, Motor Vehicle Department.

Proof of financial responsibility before re-issuance or reinstatement of driver's license.

SEC. 7. Proof of financial responsibility must be given when driver's license is suspended or revoked. Nothing in this Act shall affect the authority or duty of the Department of Motor Vehicles to issue, suspend or revoke operator's and chauffeur's license under the Uniform Drivers' Act, Article 2, Chapter 20, of the General Statutes, and any amendments thereto; and any person whose operator's or chauffeur's license has been revoked or suspended under the provisions of the Uniform Drivers' License Act, as amended, shall not be entitled to have said license again issued or reinstated until such person shall have given and thereafter maintains proof of his financial responsibility, as provided in this Act.

Suspension of license and registration certificates and plates, upon conviction of certain offenses.

Proof of financial responsibility prerequisite to reinstatement.

SEC. 8. Suspension of license and registration certificates and plates upon conviction of certain offenses; provisions for reinstatement when proof of financial responsibility given. The commissioner shall immediately revoke the operator's and chauffeur's license issued to any person, resident or nonresident, upon receiving a record of such person's conviction or forfeiture of bail in connection with any of the offenses set forth in General Statutes 20-17, and any amendments thereto, and such operator's and chauffeur's licenses shall remain suspended and revoked for at least one year, and shall not be reinstated or renewed thereafter unless and until such person shall have given, and thereafter maintains, proof of financial responsibility as provided in this Act.

Revocation of licenses of mental incompetents and inebriates.

SEC. 9. Revocation of Licenses of Mental Incompetents and Inebriates; Procedure.

(a) The commissioner, upon receipt of notice that any person has been (1) legally adjudged to be insane, or a congenital idiot, an imbecile, epileptic or feeble-minded, or (2) committed to, or has entered, an institution as an inebriate or an habitual user of narcotic drugs, shall forthwith revoke his license and registration, but he shall not revoke the license if the person has been adjudged competent by judicial order or decree, or discharged as cured from an institution for the insane or feeble-minded, for the cure of inebriates, or for the treatment of habitual users of narcotic drugs, upon a certificate of the person in charge that the releasee is competent.

Circumstances under which license returned after release.

(b) In any case in which the person's license or registration has been revoked or suspended prior to his release it shall

not be returned to him unless the commissioner is satisfied that he is competent to operate a motor vehicle with safety to persons and property and only then if he gives and maintains proof of financial responsibility.

Abstract of adjudication sent to Commissioner.

(c) The clerk of the court in which any such adjudication is made shall forthwith send a certified copy of abstract thereof to the commissioner.

Reports to Commissioner by institutions for insane, etc.

(d) The person in charge of every institution of any nature for the care or cure of the insane, idiots, imbeciles, epileptic, feeble-minded, inebriates or habitual users of narcotics drugs, shall forthwith report to the commissioner in sufficient detail for accurate identification the admission of every patient.

Appeal from action of Commissioner; Court review.

SEC. 10. Appeal from action of commissioner; Review by court of record; Effect.

(a) Any person aggrieved by an order or act of the commissioner requiring a suspension or revocation of his license or registration under the provisions of this Act, may file a petition in any court of record having criminal jurisdiction in the city or county in which the petitioner resides, for a review, but the commencement of such a proceeding shall not suspend the order or act, unless for good cause shown, a stay is allowed by the court pending final determination of the review.

Effect.

Suspension of license upon failure to satisfy judgment.

SEC. 11. Revocation or suspension of license for failure to satisfy judgment.

(a) The commissioner shall suspend the operator's or chauffeur's license and all of the registration certificates and registration plates issued to any person who has failed for a period of sixty days to satisfy any judgment in amounts and upon a cause of action as hereinafter stated, immediately upon receiving authenticated report as hereinafter provided to that effect.

License not revoked when insurance carrier in liquidation subsequent to accident.

(b) The commissioner shall not, however, revoke the license of an owner, operator or chauffeur if the insurance carried by him was in a company which was authorized to transact business in this State and which subsequent to an accident involving the owner or operator and prior to settlement of the claim therefor went into liquidation, so that the owner, operator or chauffeur is thereby unable to satisfy the judgment arising out of the accident.

Judgment specifically defined.

SEC. 12. Judgment specifically defined. The judgment herein referred to means any judgment for more than fifty dollars ($50.00) for damages because of injury to or destruction of property, including loss of its use, or any judgment for damages, including damages for care and loss of services,

because of bodily injury to or death of any person arising out of the ownership, use or operation of any motor vehicle.

Duty of Commissioner to revoke or suspend license.

SEC. 13. Commissioner's duty to revoke or suspend license. The commissioner shall take action as required in the two preceding Sections upon receiving proper evidence that the person has failed for a period of sixty days to satisfy any judgment, in amount and upon a cause of action as stated in the two preceding Sections, rendered by a court of competent jurisdiction of this State, any other State of the United States, the United States, any territory, district or possession of the United States and under its exclusive control, the District of Columbia, the Dominion of Canada, Newfoundland, or any province or territorial subdivision of either.

When judgment deemed satisfied.

SEC. 14. When judgment deemed satisfied; credits on judgment.

(a) Every judgment herein referred to shall for the purpose of this Act be deemed satisfied: (1) when paid in full or when five thousand dollars ($5,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or (2) when, subject to the limit of five thousand dollars ($5,000.00) because of bodily injury to or death of one person, the judgment has been paid in full or when the sum of ten thousand dollars ($10,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or (3) when the judgment has been paid in full or when one thousand dollars ($1,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Effect of credits on judgment.

(b) Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amount provided for in this Section.

Installment payments on judgment by order of Court.

SEC. 15. Installment payments on judgment by order of court. A judgment debtor upon five days' notice to the judgment creditor may apply to the court in which the judgment was obtained for the privilege of paying it in installments and the court, without prejudice to other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments.

Licenses subject to revocation and suspension upon default in installments.

SEC. 16. Installments in default; Licenses subject to revocation and suspension. If the judgment debtor fails to pay any

installments as permitted by the order of the court, then, upon notice of default, the commissioner shall forthwith suspend the license and registration certificates and registration plates of the judgment debtor until the judgment is satisfied as provided in this Act, except that the judgment debtor may apply, after due notice to the judgment creditor, to the court which allowed installment of the judgment, within thirty days after the default, for resumption of the privilege of paying the judgment in installments, if past due installments are first paid.

Effect of Court order permitting installment payments.

SEC. 17. Effect of Court order permitting installment payments. The commissioner shall not suspend a license or registration of a motor vehicle, and shall restore any license or registration suspended following non-payment of a judgment, if the judgment debtor obtains an order from the court in which the judgment was rendered permitting payment of the judgment in installments, and if the judgment debtor gives proof of his future financial responsibility as hereinafter provided, but default in payment of any installment will render the license or registration subject to suspension.

Effect of consent by judgment creditor to issuance or renewal of license, upon proof of responsibility.

SEC. 18. Judgment creditor may consent to issuance or renewal of licenses pending satisfaction of judgment, upon proof of financial responsibility. If the judgment creditor consents in writing, in such form as the commissioner prescribes, that the judgment debtor be allowed license and registration certificates and plates, the commissioner may allow same, notwithstanding default in the payment of the judgment or any installment thereof, for six months from the date of consent and thereafter until it is revoked in writing, if the judgment debtor furnishes proof of his future financial responsibility as hereinafter provided.

Proof of financial responsibility by unlicensed person involved in accident.

SEC. 19. Any unlicensed person involved in a motor vehicle accident, in which it should be determined that he is at fault, involving damages in excess of fifty dollars ($50.00), must show and thereafter maintain proof of financial responsibility, as defined in this Act, before obtaining license.

Responsibility of State for safekeeping of deposits held by Treasurer under Act.

SEC. 20. The State responsible for safekeeping of deposits held by Treasurer under this Act. The State shall be responsible for the safekeeping of all bonds, cash and securities deposited with the Treasurer of the State under the provisions of this Act and if the deposit or any part thereof be lost, destroyed, or misappropriated the State shall make good the loss to any person entitled thereto. Bonds, cash or securities so deposited shall only be released by the treasurer upon consent of the commissioner given in conformity with the terms of this Act.

Effect of discharge in bankruptcy.

SEC. 21. Bankruptcy listing of claim for damages does not relieve judgment debtor, hereunder. A discharge in bankruptcy listing a claim for damages arising out of the operation of a motor vehicle shall not relieve the judgment debtor from any of the requirements of this Act.

Act applicable to residents and non-residents alike.

SEC. 22. Applicable to resident and nonresident alike.

(a) Whenever by the laws of this State the commissioner has the power to suspend or revoke (1) the license of a resident operator or chauffeur, or (2) the registration certificates and registration plates of a resident owner, he is empowered (1) to suspend or revoke the license or to forbid the operation of a motor vehicle in this State by a nonresident operator or chauffeur, and (2) to forbid the operation within this State of any motor vehicle of a nonresident owner.

(b) Every provision of this Act applies to any person who is not a resident of this State under the same circumstances as they would apply to a resident; and no nonresident may operate any motor vehicle in this State and no motor vehicle owned by him may be operated in this State, unless and until the nonresident, or the owner of the motor vehicle, if another person, has complied with the requirements of this Act with respect to furnishing security and giving proof of future financial responsibility.

Commissioner required to transmit N. C. conviction or judgment record to officials of home state of non-resident.

SEC. 23. Commissioner to transmit record of conviction in North Carolina to officials of home state of nonresident. Upon conviction of a nonresident or in case any unsatisfied judgment results in suspension of a nonresident's driving privileges in this State and the prohibition of the operation within this State of any motor vehicle owned by him, or upon suspension of a nonresident's driving privileges in this State and the prohibition of the operation within this State of any motor vehicle owned by the nonresident pursuant to any other provision or provisions of this Act, the commissioner shall transmit a certified copy of the record of the conviction or the unsatisfied judgment or any other action pursuant to this Act resulting in suspension of a nonresident's driving privileges in this State and the prohibition of the operation within this State of any motor vehicle owned by such nonresident to the Commissioner of Motor Vehicles or officer performing the functions of a commissioner in the State, the District of Columbia, any territory, district or possession of the United States and under its exclusive control, the Dominion of Canada, Newfoundland, or any province or territorial subdivision of either, in which the nonresident resides.

SEC. 24. Suspension of revocation upon conviction or adverse judgment against North Carolina resident in out-of-State Court.

Suspension or revocation upon conviction or adverse judgment against N. C. resident in out-of-State Court.

(a) The commissioner shall suspend or revoke the license and registration certificate and plates of any resident of this State upon receiving notice of his conviction, in a court of competent jurisdiction of this State, any other State of the United States, the United States, any territory, district or possession of the United States and under its exclusive control, the District of Columbia, the Dominion of Canada, Newfoundland, or any province or territorial subdivision of either, of an offense therein, which if committed in this State would be grounds for the suspension or revocation of the license granted to him, or registration of any motor vehicle registered in his name.

(b) The commissioner shall take like action upon receipt of notice that a resident of this State has failed, for a period of thirty days, to satisfy any final judgment in amount and upon a cause of action as stated herein, rendered against him in a court of competent jurisdiction of any other State of the United States, the United States, any territory, district or possession of the United States and under its exclusive control, the District of Columbia, the Dominion of Canada, Newfoundland or any province or territorial subdivision of either.

Proof of financial responsibility by owner on behalf of chauffeur or member of household.

SEC. 25. Proof of financial responsibility by owner on behalf of chauffeur or member of household. When the commissioner finds that any person required to give proof or furnish security under this Act is or later becomes a chauffeur or motor vehicle operator, however designated, or a member of the immediate family or household, in the employ or home of an owner of a motor vehicle, the commissioner shall accept proof of financial responsibility given by the owner in lieu of proof by such person to permit him to operate a motor vehicle for which the owner has given proof as herein provided. In case the person is one who is furnished proof of financial responsibility by his employer, he shall not be required to furnish security. The commissioner shall designate the restrictions imposed by this Section on the fact of such person's, operator's, or chauffeur's license.

Proof of financial responsibility on behalf of another by owner holding ceritficate from Utilities Commission.

SEC. 26. Proof of financial responsibility on behalf of another by owner who holds certificate from Utilities Commission. If the owner of a motor vehicle is one whose vehicles are operated under a permit or certificate of convenience and necessity issued by the State Utilities Commission, proof by the owner on behalf of another as provided by this Act may be made if there is filed with the commissioner satisfactory evidence that the owner has complied with the law with respect to his liability for damage caused by the operation of vehicles by providing the required insurance or other security or has qualified as a self-insurer as described in Section 52 of this Act.

Surrender of revoked or suspended licenses to Commissioner; penalty for refusal.

SEC. 27. Revoked and suspended licenses and certificates to be surrendered to commissioner; penalty.

(a) Any person whose operator's or chauffeur's license or registration certificates or registration plates have been suspended or revoked as provided in this Act and have not been reinstated shall immediately return every such license, registration certificate and set of registration plates held by him to the commissioner. Any person wilfully failing to comply with this requirement is guilty of a misdemeanor.

(b) The commissioner is authorized to take possession of any license, registration certificate or set of registration plates upon their suspension or revocation under the provisions of this Act or to direct any police officer to take possession of and return them to the office of the commissioner.

Proof of financial responsibility specifically defined.

SEC. 28. Proof of financial responsibility specifically defined. Proof of financial responsibility means proof of ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use or operation of a motor vehicle, in the amount of five thousand dollars ($5,000.00) because of bodily injury to or death of any one person, and subject to a limitation of five thousand dollars ($5,000.00), for one person, in the amount of ten thousand dollars ($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars ($1,000.00) because of injury to or destruction of property in any one accident. Proof in these amounts shall be furnished for each motor vehicle registered by the person.

Manner of making proof of financial responsibility.

SEC. 29. Proof of financial responsibility; how made.

(a) Proof of financial responsibility may be made: (1) by filing with the commissioner the written certificate of any insurance carrier, authorized to do business in this State, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. This certificate shall give the effective date of the policy which must be the same date as the effective date of the certificate and, unless the policy is issued to a person who is not the owner of a motor vehicle, must designate by explicit description or by appropriate reference all motor vehicles covered; (2) by filing with the commissioner proof that a satisfactory bond has been executed; (3) that an adequate deposit of cash or securities has been made; or (4) that self-insurance certificates have been filed.

(b) No motor vehicle shall be, or continue to be, registered in the name of any person required to file proof of financial responsibility unless it is so designated in the certificate.

Establishment of proof of financial responsibility by non-residents.

SEC. 30. Nonresidents; how proof of financial responsibility established. The nonresident owner of a foreign vehicle may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier not authorized to transact business in this State, but authorized to transact business in the State, the District of Columbia, any territory, district or possession of the United States and under its exclusive control, the Dominion of Canada, Newfoundland, or any province or territorial subdivision of either, in which each motor vehicle described in the certificate is registered; or if the nonresident does not own a motor vehicle, then in the like jurisdiction in which the insured resides and otherwise conforming to the provisions of this Act, and the commissioner shall accept the same if the insurance carrier, in addition to having complied with all other provisions of this Act as requisite shall (1) execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State; (2) duly adopt a resolution, which shall be binding upon it, declaring that its policies are to be deemed to be varied to comply with the law of this State and the terms of this Act relating to the terms of motor vehicle liability policies issued herein; (3) agree to accept as final and binding the judgment of any court of competent jurisdiction in this State from which judgment no appeal is, or can be taken, duly rendered in any action arising out of a motor vehicle accident; or (4) deposit with the Treasurer of North Carolina cash or securities such as are mentioned in Section 41 of this Act or the surety bond of a company authorized to do business in North Carolina, equal in value to eleven thousand dollars ($11,000.00) for each insurance policy filed as proof of financial responsibility.

Sec. 30 not applicable upon filing by nonresident of certificate of insurance.

SEC. 31. Nonresident may elect to file certificate of insurance carrier authorized to transact business in this State; default of foreign insurance carriers; effect.

(a) If a nonresident required to file a certificate of insurance under this Act files the certificate of insurance of a company authorized to do business in this State the provisions of the foregoing Section shall not apply.

Effect of default by foreign insurance carrier.

(b) If any foreign insurance carrier which has qualified to furnish proof of financial responsibility defaults in any of its undertakings of agreements, the commissioner shall not thereafter accept any certificate of that carrier so long as the default continues and shall revoke licenses theretofore granted on basis of its policies unless the default be immediately repaired.

Liability under other statutes not affected.

SEC. 32. Liability under other Statutes not affected. This Act does not apply to or affect (1) policies of automobile insurance against liability which may now or hereafter be required by any other law of this State but such policies if endorsed to conform to the requirements of this Act shall be accepted as proof of financial responsibility when required under this Act; (2) policies insuring solely the insured named in the policy against liability resulting from the maintenance, use or operation by persons in the insured's employ or in his behalf of motor vehicles now owned by the insured.

Bond as proof of financial responsibility.

SEC. 33. Bond as proof of financial responsibility. A person required to give proof of financial responsibility may file with the commissioner a bond meeting the requirements of this Act.

Nature of bond required; sureties.

SEC. 34. Nature of bond required; sureties. The bond referred to in the foregoing Section shall be executed by the person giving proof and by a surety company duly authorized to transact business in this State, or by the person giving proof and by one or more individual sureties owning real estate within this State and having an equity therein at least the amount of the bond, which real estate shall be scheduled therein, but the commissioner may not accept any real estate bond unless it is first approved by the Clerk of the Superior Court of county wherein the real estate is located.

Conditions of bond.

SEC. 35. Conditions of bond to conform to those of motor vehicle liability policy. The commissioner shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving proof.

Cancellation of bond; notice.

SEC. 36. Cancellation of bond; notice required. No such bond shall be cancelled unless twenty days' prior written notice of cancellation is given the commissioner but cancellation of the bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Bond made lien in favor of State against real estate, upon recording.

SEC. 37. Bond constitutes a lien in favor of State; notice of cancellation; recordation of bond.

(a) A bond with individual sureties shall constitute a lien in favor of the State upon the real estate of any individual surety, which lien shall exist in favor of any holder of any final judgment against the principal on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use or operation of his, or any other, motor vehicle, upon the recording of the bond

in the office of the register of deeds of the county where the real estate is located.

Notice of cancellation.

(b) Notice of cancellation is to be signed by the commissioner or by someone designated by him and the seal of the department placed thereon. Notwithstanding any other provision of law the register of deeds shall record the notice in the books kept for the recording of deeds and shall index the same in the indexes thereto for grantors and grantees, under the respective names of the individual sureties in the column for grantors, and the State of North Carolina in the column for grantees, for which he shall receive the sum of two dollars and fifty cents ($2.50) to be paid by the principal in full payment of all services in connection with the recordation and release of the bond. The register of deeds shall place on the notice a statement showing the time of recording and the book and page of recording and return the notice to the commissioner.

Indexing by Register of Deeds.

Fee of Register of Deeds.

Release of bond by Commissioner.

SEC. 38. Release of bond by commissioner; certificate of cancellation. When a bond with individual sureties filed with the commissioner is no longer required under this Act, the commissioner shall, upon request, cancel it as to liability for damage to property or injury to or death of any person or persons thereafter caused and when a bond has been cancelled by the commissioner or otherwise he shall upon request furnish a certificate of the cancellation signed by him or by someone designated by him with the seal of the department thereon. The certificate, not withstanding any other provision of law, may be recorded in the office of the register of deeds in which the bond was admitted to record.

Certificate of cancellation.

Discharge of lien of bond by order of Court.

SEC. 39. Discharge of lien of bond by order of court. Upon satisfactory proof that the bond has been cancelled and that there are no claims or judgments against the principal in the bond on account of damage to property or injury to or death of any person or persons resulting from the ownership, maintenance, use or operation of a motor vehicle of the principal caused while the bond was in effect, the Clerk of the Superior Court in the county in which the bond was admitted to record, may enter an order discharging the lien of the bond on the real estate of the sureties thereon, upon their petition and at their proper cost.

Rights and remedies of judgment creditor to enforce judgment against bond.

SEC. 40. Judgment creditor may sue on bond or proceed against parties to bond, if judgment unsatisfied.

(a) If a final judgment rendered against the principal on the bond filed with the commissioner as provided in this Act be not satisfied within sixty days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action on the bond in the name of the State against the company or persons executing the bond.

(b) When the sureties on the bond are individuals the judgment creditor may proceed against any or all parties to the bond at law for a judgment or for a decree and foreclosure of the lien on the real estate of the sureties. The proceeding may be against one, all or intermediate number of parties to the bond and when less than all are joined other or others may be impleaded in the same proceeding and after final judgment or decree other proceedings may be instituted until full satisfaction be obtained.

Cash deposit as proof of financial responsibility.

SEC. 41. Cash deposit as proof of financial responsibility. A person may give proof of financial responsibility by delivering to the commissioner eleven thousand dollars ($11,000.00) in cash, or in securities, such as fiduciaries may invest in under General Statutes, Chapter 36, as amended.

State Treasurer made custodian of money or securities deposited.

SEC. 42. State Treasurer custodian of deposits; duties of Treasurer.

(a) All money or securities so delivered to the commissioner shall be placed by him in the custody of the State Treasurer and shall be subject to execution to satisfy any judgment within the limits on amounts required by this Act for motor vehicle liability insurance policies.

Additional money or securities deposited upon depletion or impairment.

(b) Whenever the moneys or securities are subject to attachment, garnishment, execution, or other legal process, or are otherwise depleted or threatened with depletion or impairment in amount or value the depositor must immediately furnish additional moneys or securities, free from lien, claim, or threat of impairment, in sufficient amount or value fully to comply with the requirements of this Act.

Notice by State Treasurer to Commissioner of depletion or impairment.

(c) The treasurer shall notify the commissioner promptly of any depletion, impairment, or decrease or of any legal threat of depletion, impairment, or decrease in the value of the securities or in the moneys on deposit with him under the provisions of this Act.

Cancellation or substitution of bond or certificate of insurance.

SEC. 43. Cancellation or substitution of bond or certificate of insurance; legal determination of disputes as to ownership or liability.

(a) The commissioner may cancel any bond or return any certificate of insurance, and upon the substitution and acceptance by him of other adequate proof of financial responsibility, pursuant to this Act, and upon his direction to such effect, the State Treasurer shall return any money or securities on deposit with him to the person entitled thereto.

Legal determination of disputes as to rights in any deposit.

(b) The commissioner and the treasurer, or either, may proceed by bill of interpleader for the determination of any dispute as to ownership of or rights in any deposit, and may

have recourse to any other appropriate proceeding for determination of any question that arises as to their rights or liabilities or as to the rights or liabilities of the State under this Act.

Commissioner to require replacement of unsatisfactory proof of financial responsibility.

SEC. 44. Commissioner must require replacement of unsatisfactory proof of financial responsibility. Whenever any proof of financial responsibility filed by any person under the provisions of this Act no longer fulfills the purpose for which required the commissioner shall require other proof of financial responsibility as required by this Act and shall suspend his operator's or chauffeur's license, registration certificate and registration plates pending the furnishing of proof as required.

Circumstances under which Commissioner may consent to cancellation or release of bonds, etc.

SEC. 45. When commissioner may consent to cancellation or release of bonds, policies, funds, or securities; waiver of requirement of proofs of financial responsibility. The commissioner, upon request and subject to the provisions of the succeeding Section, shall consent to the cancellation of any bond or insurance policy, or to the return to the person entitled thereto of any money or securities deposited pursuant to this Act as proof of financial responsibility, or he shall waive the requirements of filing proof of financial responsibility, in the event (1) of the death of the person on whose behalf the proof was filed; or (2) of his permanent incapacity to operate a motor vehicle; or (3) that the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, and all of his registration certificates and registration plates to the commissioner.

Circumstances under which Commissioner may not release proof.

SEC. 46. When commissioner may not release proof.

(a) Notwithstanding the provisions of the preceding Section, the commissioner shall not release the proof in the event: (1) any action for damages upon a liability included in this Act is then pending; or (2) any judgment upon any such liability is then outstanding and unsatisfied; or (3) the commissioner has received notice that the person involved has within the period of twelve months immediately preceding been involved as a driver in any motor vehicle accident.

(b) An affidavit of the applicant of the nonexistence of these facts shall be sufficient evidence thereof in the absence of evidence in the records of the department to indicate the contrary.

After surrender of proof, re-establishment of proof requisite to reissuance of license.

SEC. 47. Re-establishment of proof as requisite to reissuance of license. Whenever any person to whom proof has been surrendered as provided in Section 45 applies for an operator's or chauffeur's license or the registration of a motor vehicle, the application shall be refused unless the applicant re-establishes proof as requisite.

Abstract of record of licensee furnished by Commissioner.

SEC. 48. Commissioner to furnish abstract of record of licensee. The commissioner upon request shall furnish any insurance carrier or any person or surety a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall fully designate the motor vehicles, if any, registered in the name of the person, and there exists no record of the conviction of the person of a violation of any provisions of any Statute or ordinance relating to the operation of a motor vehicle or of any injury or damage caused by him as provided in this Act the commissioner shall so certify, upon the payment to him of a fee of one dollar ($1.00); *provided further,* however, that such certified abstract shall not be admissible in evidence in any court proceedings.

Fee.

Certified abstract not admissible in evidence.

Operation of motor vehicle while revocation or suspension in effect, made misdemeanor.

SEC. 49. Operation of motor vehicle while revocation or suspension in effect; penalties. Any person whose operator's or chauffeur's license or registration certificate or other privilege to operate a motor vehicle has been suspended or revoked, restoration thereof or the issuance of a new license or registration certificate being contingent upon the furnishing of proof of financial responsibility and who, during the period of suspension or while revocation is in effect, or in the absence of full authorization from the commissioner, drives any motor vehicle upon any highway, and any nonresident from whom the privilege of operating any motor vehicle on the highways of this State has been withdrawn as provided in this Act who operates a motor vehicle in this State, shall be guilty of a misdemeanor.

Forgery of evidence of ability to respond in damages, made misdemeanor.

SEC. 50. Forgery of evidence of ability to respond in damages; penalties. Any person who forges or without authority signs any evidence of ability to respond in damages as required by the commissioner in the administration of this Act shall be guilty of a misdemeanor.

Violation of any provision of Act made misdemeanor.

SEC. 51. Additional penalties. Any person who violates any provision of this Act for which another penalty is not prescribed by law shall be guilty of a misdemeanor.

Self-insurers.

SEC. 52. Self-insurers.

Certificate of self-insurance issued by Commissioner.

(a) Any person may become a self-insurer who shall obtain from the commissioner a certificate of self-insurance as provided for in Subsection (b) of this Section; (b) the commissioner may, in his discretion and upon the application of such a person, issue a certificate of self-insurance when he is reasonably satisfied that such person is possessed and will continue to be possessed of financial ability to respond to judgment as hereinbefore described, obtained against such person arising out of the ownership, maintenance, use, or operation of any

Cancellation of certificate.

such person's motor vehicles; (c) upon the due notice and hearing, the commissioner may in his discretion and upon reasonable grounds cancel a certificate of self-insurance.

Plan for equitable apportionment of undesirable risks among insurance carriers; submission of plan by carriers.

SEC. 53. Assignment of risk. The commissioner of insurance, after consultation with representatives of the insurance carriers licensed to write motor vehicle liability insurance in this State, shall consider such reasonable plans and procedures as such insurance carriers may submit to him for the equitable apportionment among such insurance carriers of those applicants for motor vehicle liability insurance who are entitled to such coverage under this Act but who are unable to secure such insurance through ordinary methods.

Participation in plan prerequisite to writing such insurance in this State.

Upon approval by the commissioner of insurance of any such plans and procedures thus submitted, all insurance carriers licensed to write motor vehicle liability insurance in this State, as a prerequisite to further engaging in writing such insurance in this State shall formally subscribe to, and participate in, such plans and procedures so submitted.

Formulation of plan by Commissioner, if no approved plan submitted by carriers.

In the event the commissioner of insurance, in the exercise of his discretion, does not approve any plan so submitted, or should no such plan be submitted, then the commissioner of insurance shall formulate and put into effect reasonable plans and procedures for the apportionment among such insurance carriers of all such applications for motor vehicle liability insurance submitted to him in accordance with the provisions of this Act by persons entitled to coverage under this Act but unable to obtain such coverage through ordinary methods.

Participation in Commissioner's plan, in absence of other plan, prerequisite to writing auto liability insurance in State.

Should no such plan be submitted by the insurance carriers and approved by the commissioner of insurance, then, as a prerequisite to further engaging in the selling of motor vehicle liability insurance in this State, every insurance carrier licensed to write motor vehicle liability insurance in this State shall formally subscribe to and participate in, the plans and procedures formulated by the commissioner of insurance as provided in this Section, and every such insurance carrier shall accept any and all risks assigned to it by the commissioner of insurance under such plan and shall upon payment of a proper premium issue a policy covering the same, such policy to meet at least the minimum requirements for establishing financial responsibility as provided in this Act.

Assignment of risks by Commissioner.

Every person who has been unable to obtain a motor vehicle liability insurance policy through ordinary methods shall have the right to apply to the commissioner of insurance to have his risk assigned to an insurance carrier licensed to write, and writing motor vehicle insurance in this State, and the insurance carrier shall issue a motor vehicle liability policy which will meet at least the minimum requirements for establishing financial responsibility, as provided for in this Act.

Rules and regulations for assignment of risks.

The commissioner of insurance shall have the authority to make reasonable rules and regulations for the assignment of risks to insurance carriers. The commissioner of insurance shall establish, or cause to be established, such rate classifications, rating schedules, rates, rules and regulations to be used by insurance carriers issuing assigned risk motor vehicle liability policies, in accordance with this Act, as appear to him to be proper.

Establishment of rates, classifications, etc.

In the establishment of rate classification, rating schedules, rates, rules and regulations, the commissioner of insurance shall be guided by such principals and practices as have been established under his statutory authority to regulate motor vehicle liability insurance rates, and he may act in conformity with his statutory discretionary authority in such matters, and may in his discretion assign to the North Carolina Automobile Rate Administrative Office, or other State bureau or agency any of the administrative duties imposed upon him by this Act.

Powers of Commissioner with respect to motor vehicle liability policies.

The commissioner of insurance is empowered, if in his judgment he deems such action to be justified after reviewing all information pertaining to the applicant or policyholder available from his records, the records of the Department of Motor Vehicles, or from other sources—

(a) To refuse to assign an application.

(b) To approve the rejection of an application by an insurance carrier.

(c) To approve the cancellation of a motor vehicle liability policy by an insurance carrier; or

(d) To refuse to approve the renewal or the reassignment of an expiring policy.

Limitation of Commissioner's liability.

The commissioner of insurance shall not be held liable for any act, or omission, in connection with the administration of the duties imposed upon him by the provisions of this Act, except upon proof of actual malfeasance.

Rights of nonresidents as to assignment-of-risks provisions.

The provisions of this Act relevant to assignment of risks shall be available to nonresidents who are unable to obtain a motor vehicle liability insurance policy with respect only to motor vehicles registered and used in this State.

Judgments involving accidents prior to effective date of Act, not affected.

SEC. 54. Judgments obtained arising out of accidents prior to effective date of Act unaffected. Persons against whom judgments are obtained subsequent to the effective date of this Act, as a result of an action for damages arising out of

an accident involving the operation of a motor vehicle prior to the effective date of this Act, are not subject to the provisions hereof.

Abstracts of convictions and judgments furnished by Clerk of Court.

SEC. 55. Clerk of Court required to furnish abstract of convictions and judgments. The clerk of the court, or the court when it has no clerk, shall forward to the commissioner a certified copy or abstract of any conviction, and of any forfeiture of bail or collateral deposited to secure a defendant's appearance in court unless the forfeiture has been vacated, upon a charge of a violation of any of the offenses set forth in Section 20-17 of the General Statutes, and any amendments thereto, and a certified copy or abstract of any judgment for damages, the rendering and nonpayment of which judgment, under the terms of this Act, require the commissioner to suspend the operator's or chauffeur's license and registrations in the name of the judgment debtor. Every such copy or abstract of conviction or forfeiture shall be forwarded to the commissioner immediately upon the expiration of fifteen days after the conviction or forfeiture, and every such copy or abstract of judgment shall be forwarded to the commissioner immediately upon the expiration of sixty days after the judgment has become final by expiration without appeal or other action of the time within which appeal or other action might have been perfected, or has become final by affirmation on appeal, and has not been otherwise stayed or satisfied.

Abstracts forwarded to Commissioner.

Other remedies not affected.

SEC. 56. Other remedies unaffected. This Act shall not be construed to prevent the plaintff in any action at law from relying for security upon other remedy now or hereafter provided by law.

Partial invalidity provision.

SEC. 57. Unconstitutionality of part of Act does not affect other parts. If any part of this Act be held unconstitutional, the decision shall not affect the validity of the remaining parts of this Act.

G. S., Ch. 20, Art. 5, repealed.

SEC. 58. Certain statutes repealed. Article 5 of Chapter 20, General Statutes, entitled "Enforcement of collection of judgments against irresponsible drivers of motor vehicles" is hereby repealed.

Effective date.

SEC. 59. Effective date. This date shall become effective July 1st, 1947, except as to the exercise of all acts necessary, convenient or expedient for making arrangements and setting up machinery for the administration of and for compliance with the provisions of the Act, it shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 87 **CHAPTER 1007**

AN ACT TO PROVIDE FOR MAKING UP THE JURY LISTS AND THE DRAWING OF THE ORIGINAL FANELS OF JURORS, AMENDING G. S. 9-1; ALLOWING SEPARATION OF JURORS IN CAPITAL AND OTHER FELONY CASES, AMENDING G. S. 9-17, AND PROVIDING FOR ADDITIONAL EXEMPTIONS FROM JURY SERVICE, AMENDING G. S. 9-19.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 9-1 be, and the same hereby is, amended so as to read as follows: G. S. § 9-1, amended.

The board of county commissioners for the several counties, at their regular meetings on the first Monday in June in the year 1947, or the jury commissions or such other legally constituted body as may in the respective counties be charged by law with the duty of drawing names of persons for jury service, at the times of their regular meetings, and every two years thereafter, shall cause their clerks to lay before them the tax returns for the preceding year for their county, and a list of names of persons who do not appear upon the tax lists, who are residents of the county and over twenty-one years of age, from which lists the board of county commissioners or such jury commissions shall select the names of such persons who reside in the county who are of good moral character and have sufficient intelligence to serve as members of grand and petit juries. A list of the names thus selected by the board of county commissioners or such jury commissions shall be made out by the clerk of the board of county commissioners or such jury commissions and shall constitute the jury list of the county and shall be preserved as such. Provision for preparation of jury lists. Selection of persons of good character and intelligence for grand and petit jury duty.

The clerk of the board of county commissioners or such jury commissions, in making out the list of names to be laid before the board of county commissioners or such jury commissions, may secure said lists from such sources of information as deemed reliable which will provide the names of persons of the county above twenty-one years of age residing within the county qualified for jury duty. There shall be excluded from said lists all those persons who have been convicted of any crime involving moral turpitude or who have been adjudged to be non compos mentis. Lists secured from reliable sources of information. Certain persons excluded from list.

SEC. 2. That G. S. 9-17 be, and the same hereby is, amended by adding at the end of said Section the following: G. S. § 9-17, amended.

It shall be within the discretion of the presiding Judge of the Superior Court, in the trial of any capital felony or

Authority of Court to permit separation of jurors in criminal cases.

other criminal case, to permit the jurors to be separated while the jury has under consideration such case. In the event the jury is composed of men and women, the court may, in its discretion, appoint more than one officer to have charge of the jury and one of such officers may be a man and the other officer a woman; and the court may, in its discretion, permit the members of the jury of opposite sexes to be provided separate rooming accomodations when not actually engaged in deliberations as jurors and pending the bringing in of a verdict in such cases.

Separate rooming accommodations for men and women on jury.

G. S. § 9-19, amended, as to exemptions from jury service.

SEC. 3. That G. S. 9-19 be, and the same hereby is, amended by adding after the phrase in the first sentence of said Section, "and naval reserves," the following:

registered or practical nurses in active practice and practicing attorneys at law.

That said Section be further amended by adding at the end thereof the following:

Grounds for excuse of women from jury service.

When any woman is summoned to serve on any regular or tales jury, she or her husband may appear before the Clerk of the Superior Court and certify that she desires to be excused from jury service for one of the following causes: (1) that she is ill and unable to serve; (2) that she is required to care for her children who may be under twelve years of age; (3) that some member of her family is ill which requires her presence and attention; whereupon the clerk in his discretion may excuse her from jury service and so notify the Judge of the Superior Court upon convening the court.

Excuse by Clerk of Superior Court.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 126 **CHAPTER 1008**

AN ACT TO DEFINE, CLASSIFY AND REGULATE ALL MOTOR CARRIERS OF PROPERTY OPERATING OVER THE HIGHWAYS OF THE STATE FOR COMPENSATION, AND TO THAT END TO AMEND AND RE-STATE THE PROVISIONS OF ARTICLE 6, OF CHAPTER 62, OF THE GENERAL STATUTES OF NORTH CAROLINA OF 1943, INSOFAR AS THE SAME APPLIES TO MOTOR CARRIERS OF PROPERTY.

The General Assembly of North Carolina do enact:

Declaration of policy as to regulation of motor carriers of property.

SECTION 1. Declaration of policy. That upon investigation, it has been determined that the transportation of property by motor carriers for compensation over the public highways of the State is a business affected with the public interest; that there has been shown a definite public need for the continuation and preservation of all existing motor carrier service, and to that end, it is hereby declared to be the policy of the State of North Carolina to preserve and continue all motor carrier transportation services now afforded this State, and to provide fair and impartial regulations of motor carriers of property in the use of the public highways in such a manner as to promote, in the interest of the public, the inherent advantages of highway transportation; to promote adequate, economical and efficient service to all of the communities of the State by motor carriers engaged in the transportation of property over the public highways for compensation; to encourage the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to encourage and promote harmony among motor carriers of property, between such carriers and carriers of property by rail or water, and between all carriers of property and the shipping public; to foster a coordinated statewide motor carrier service; to conform with the national transportation policy and the Federal motor carrier acts insofar as the same may be found practical and adequate for application to intrastate commerce; and to cooperate with other states and with the Federal Government in promoting and coordinating intrastate and interstate commerce by motor carriers.

Administration and enforcement of Act by Utilities Commission.

SEC. 2. Delegation of Jurisdiction. That full power and authority to administer and enforce the provisions of this Act, and to make and enforce reasonable and necessary rules and regulations to that end, are hereby vested in the North Carolina Utilities Commission.

Definitions.

SEC. 3. Definitions. When used in this Act, unless the

language or context clearly indicate that different meanings are intended:

"Act." (1) "Act" means this Act.

"State." (2) "State" means the State of North Carolina.

"Commission." (3) "Commission" means the North Carolina Utilities Commission.

"Person." (4) "Person" means a corporation, individual, co-partnership, company, association, or any combination of individuals or organizations doing business as a unit, and includes any trustee, receiver, assignee, or personal representative thereof.

"Highway." (5) "Highway" means any road or street in this State used by the public or dedicated or appropriated to public use.

"Motor vehicle," "Vehicle," or "Truck." (6) "Motor vehicle", "Vehicle", or "Truck" mean any vehicle, machine, tractor, semi-trailer, or any combination thereof determined by the Commission, which is propelled or drawn by mechanical power and used upon the highways within the State in the transportation of property for compensation in intrastate commerce, but does not include vehicles designed for and used in the transportation of passengers by certificated passenger carriers in which baggage, mail, newspapers, and light express are transported at the same time with passengers.

"Intrastate commerce." (7) "Intrastate commerce" means the transportation of property by motor vehicle for compensation between points and over a route or within a territory wholly within the State, which transportation is not a part of a prior or subsequent movement to or from points outside of the State in interstate or foreign commerce, and includes all transportation of property by motor vehicles within the State for compensation in interstate or foreign commerce which has been exempted from regulation under the Interstate Commerce Act.

"Interstate commerce." (8) The term "interstate commerce" means commerce between any place in a state and any place in another state or between places in the same state through another state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.

"Foreign commerce." (9) The term "foreign commerce" means commerce between any place in the United States and any place in a foreign country, or between places in the United States through any foreign country, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.

"Intrastate operations." (10) "Intrastate operations" means the transportation of

property by motor vehicle for compensation in intrastate commerce.

(11) "Service", "transportation", and "operations" means the transportation of property by a motor carrier over the highways of the State in intrastate commerce for compensation, and includes all services, vehicles, equipment, and facilities used in connection therewith. "Service," "transportation," and "operations."

(12) "Certificate" means a certificate of public convenience and necessity issued by the Commission pursuant to the provisions of this Act to a common carrier by motor vehicle. "Certificate."

(13) "Permit" means a permit issued by the Commission pursuant to the provisions of this Act to a contract carrier by motor vehicle. "Permit."

(14) "Common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of property or any class or classes thereof for compensation, whether over regular or irregular routes. "Common carrier by motor vehicle."

(15) "Contract carrier by motor vehicle" means any person which, under individual contracts or agreements, engages in the transportation, other than transportation referred to in paragraph (14), by motor vehicle of property in intrastate commerce for compensation. "Contract carrier by motor vehicle."

(16) "Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle. "Motor carrier."

(17) "Private carrier" means any person not included in definitions of common carrier or contract carrier, which transports in intrastate commerce in its own vehicle or vehicles property of which such person is the owner, leasee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or when such transportation is purely an incidental adjunct to some other established private business owned and operated by such person other than the transportation of property for compensation. "Private carrier."

SEC. 4. Exemption from Regulations. Exemption from regulations.

(1) Nothing in this Act shall be construed to include persons and vehicles engaged in one or more of the following services if not engaged at the time or at other times in the transportation of other property by motor vehicle for compensation: (a) transportation of property for or under the control of the United States Government, or the State of North Carolina, or any political subdivision thereof, or any board, department or commission of the State, or any institution owned and supported by the State; (b) transporta- Transportation of property for Federal, State, and local governments.

Transportation of bulk materials used in highway construction. Newspapers. Transportation of household effects.

Transportation of farm, dairy, etc., products.

Transportation of livestock, fish.

Transportation of forest products.

Pickup, delivery service for railroads, etc.

Transportation by bona fide private carrier.

Transportation within municipality.

Transportation not in ordinary course of business by common carrier.

tion in bulk of sand, gravel, dirt, debris, and other aggregates, or ready-mixed paving materials for use in street or highway construction or repair; (c) transportation of newspapers; (d) transportation of household effects of a family from one residence to another, or to or from a place of storage; (e) transportation of farm, dairy or orchard products from farm, dairy or orchard to warehouse, creamery, or other original storage or market; (f) transportation for and under the control of cooperative associations organized and operating under the Federal Agricultural Marketing Act, U. S. C. A. Title 12, Section 1141(j), or under the State Cooperative Marketing Act, Chapter 54, Subchapter 5, General Statutes of North Carolina of 1943, as amended, or for any federation of such cooperative associations; *provided,* such federation possesses no greater powers or purposes than such cooperative associations; (g) transportation of livestock, or fish, including shellfish and shrimp, but not including manufactured products thereof; (h) transportation of raw products of the forest, including firewood, logs, crossties, stavebolts, pulpwood, and rough lumber, but not including manufactured products therefrom; (i) pickup, delivery, and transfer service for railroads, express companies, water carriers and motor carriers in connection with their respective line-haul services within the commercial zone of any city or town, as defined by the Commission between their terminals and places of collection or delivery of freight; (j) transportation by a bona fide private carrier, as defined in this Act; (k) transportation of property when the movement is within a municipality, or within contiguous municipalities, and within a zone adjacent to and commercially a part of such municipality or contiguous municipalities; *provided,* the Commission shall have power, in its discretion, in any particular case, to fix the limits of any such zone; *provided, further,* that nothing herein shall be construed as an abridgment of the police powers of any municipality over such operation wholly within any such municipality; (l) transportation of any commodity anywhere of a character not hauled in the ordinary course of business by a common carrier by motor vehicle.

Power of Commission to require proof of exemption.

(2) Nothing in this Section of in this Act shall be so construed as to deny the Commission the right at any time to require of any person or carrier purporting to operate under the provisions of this Section satisfactory proof that such person or carrier is, in fact, so operating, and to that end the Commission may conduct such investigations and make such orders as it deems necessary to enforce compliance with this Section.

General powers and duties of Commission.

SEC. 5. General Powers and Duties of the Commission. The Commission is hereby vested with power and it shall be its duty:

Regulation of common carriers by motor vehicle.

(1) To supervise and regulate common carriers by motor vehicle as provided in this Act, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, uniform systems of accounts, records, reports and the preservation of records.

Regulation of contract carriers.

(2) To supervise and regulate contract carriers as provided in this Act, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, reports and the preservation of records, but shall not require, and nothing in this Act shall be construed to require, contract carriers to become common carriers.

Regulation of motor carriers, inter se, and in relationship to shipping public.

(3) To supervise and regulate motor carriers, as defined in this Act, in all matters affecting the relationship between such carriers, or the relationship between such carriers and the shipping public, in any manner necessary to promote harmony among such carriers, safety and efficiency of service to the public.

Power to exempt certain motor carriers from compliance with Act.

(4) To determine, upon its own motion, or upon motion by a motor carrier, or any other party in interest, whether the transportation in intrastate commerce performed by any motor carrier or class of motor carriers lawfully engaged in operation in this State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in intrastate commerce in effectuating the transportation policy declared in this Act. Upon so finding, the Commission shall issue a certificate of exemption to such motor carrier or class of motor carriers, which, during the period such certificate shall remain effective and unrevoked, shall exempt such carrier or class of motor carriers from compliance with the provisions of this Act, and shall attach to such certificate such reasonable terms and conditions as the public interest may require. At any time after the issuance of any such certificate of exemption, the Commission may by order revoke all or any part thereof, if it shall find that the transportation in intrastate commerce performed by the carrier or class of carriers designated in such certificate will be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation by the Commission of intrastate transportation by motor carriers in effectuating the transportation policy declared in this Act. Upon revocation of any such certificate, the Commission shall restore to the carrier or carriers affected thereby, without further proceedings, the authority, if any, to operate in intrastate commerce held by such carrier or carriers at the time the certificate of exemption pertaining to such carrier or carriers became effective. No certificate of exemption shall be denied, and no order

Certificate of exemption.

Revocation of certificate of exemption.

Hearing prior to issuance or revocation of certificate.

of revocation shall be issued, under this paragraph, except after reasonable opportunity for hearing to interested parties.

Administration and enforcement of Act.

(5) To administer, execute, and enforce all the provisions of this Act, to make and enforce all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration.

Inquiry into management of business of motor carriers.

(6) For the purpose of the administration of the provisions of this Act, to inquire into the management of the business of motor carriers and into the management of the business of persons controlling, controlled by, or under common control with, motor carriers to the extent that such persons have a pecuniary interest in the business of one or more motor carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted, and may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this Act.

Power to prescribe qualifications, hours of service, etc., of employees.

(7) To prescribe qualifications and maximum hours of service of employees of carriers, and safety of operation and equipment, and in the interest of uniformity of intrastate and interstate rules and regulations applicable within the State of North Carolina with respect to maximum hours of service of truck drivers and/or their helpers, and safety of operation and equipment, the Commission may adopt and enforce the rules and regulations adopted and promulgated by the Interstate Commerce Commission with respect thereto, insofar as the Commission finds the same to be practical and advantageous for application in this State, and to that end the Commission may avail itself of the assistance of any other agency of the State having special knowledge of such matters, to make such investigations and tests as may be deemed necessary to promote safety of equipment and operation of trucks upon the highways.

Rules for safeguarding highway traffic.

(8) To relieve the highways of all undue burdens and safeguard traffic thereon by promulgating and enforcing reasonable rules, regulations and orders designed and calculated to minimize the dangers attending transportation on the highways of all commodities including explosives or highly inflammable or combustible liquids, substances or gases.

Classification of carriers.

(9) The Commission may from time to time establish such just and reasonable classifications of groups of carriers included in the term "common carrier by motor vehicle" or contract carrier by motor vehicle as the special nature of the service performed by such carriers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this Act, to be observed by such

carriers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

Investigations to determine compliance with Act.

(10) Upon complaint in writing to the Commission by any person, organization, or body politic, or upon its own initiative without complaint, the Commission may investigate whether any motor carrier has failed to comply with any provision of this Act, or with any requirement pursuant thereto; and if the Commission finds upon such investigation, after due notice and hearing, that the motor carrier has failed to comply with any such provision or requirement, the Commission shall issue an appropriate order to compel the carrier to comply therewith. The Commission may dismiss such complaint without investigation when it is of the opinion that the complainant does not state reasonable grounds for investigation and action on its part.

Power to compel compliance.

Power to dismiss complaints.

Issuance of certificates to carriers with existing operating rights.

SEC. 6. Issuance of Certificates in Lieu of Outstanding Certificates. That it shall be the duty of the Commission under this Act to issue a certificate, as a matter of course and without further proceedings, to each carrier operating on the effective date of this Act under a certificate heretofore issued by the Commission, granting to each such carrier the same operating rights held and exercised by it under its outstanding certificate, including amendments thereto which have heretofore been or may hereafter be authorized by the Commission on applications heard before the effective date of this Act, and such certificate shall be deemed issued until prepared and actually issued by the Commission, and in the issuance of such certificate to a regular route common carrier of general commodities, the Commission may, in its discretion, delete therefrom any or all so-called "closed door operations"; that is to say, any or all restrictions appearing in such carrier's outstanding certificate which prohibit such carrier from receiving and/or delivering freight at certain points, or between certain points, along the highways over which such carrier is authorized to perform regular route operations; *provided*, that nothing herein shall relieve any common carrier by motor vehicle from compliance with the provisions of Sections 14, 15, and 16 within such reasonable time as the Commission may require.

Power to delete "closed door operations."

Issuance of certificate to certain qualified common carriers.

SEC. 7. Issuance of Certificates to Qualified Common Carriers by Motor Vehicle Operating on and Continuously since January 1st, 1947.

Eligibility operations.

(1) That subject to Section 16, if any carrier or predecessor in interest was in bona fide operation as a common carrier by motor vehicle on January 1st, 1947, over the route or routes or within the territory for which application is made under this Section, and has so operated since that time, or if

engaged in furnishing seasonal service only, was in bona fide operation on January 1st, 1947, during the season ordinarily covered by its operation and has so operated since that time, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue a certificate to such carrier without requiring further proof that public convenience and necessity will be served by such operation, if such carrier qualifies itself in the following manner.

Application by carrier for certificate.

(2) Duty of Carrier. This Section shall not apply to a carrier unless the carrier on or before the effective date of this Act files with the Commission on forms furnished by it an application under oath for a certificate under this Section, giving such information and in such detail as the Commission may require, including the following:

Contents of application.

(a) The full name and address of each person owning an interest in the transportation business of the carrier, the date when each such interest was acquired if subsequent to January 1st, 1946, and the name and address of the carrier's predecessor in interest, if any.

(b) A full and complete report of the operations of the carrier or its predecessor for one or more full calendar months during the year 1946 chosen by the carrier as being representative of the nature, extent, and frequency of its continuous operations from January 1st, 1947, to the date the application is filed, which report for the month or months covered shall give the date of each intrastate shipment, the waybill number, or other identification number, if any, the point of origin, point of destination, a general description of the commodity transported, its weight and the transportation charges received.

(c) An accurate description of the highways over which and the termini between which the carrier, during the month or months covered by its report, performed regular route operations.

(d) An accurate description of the territory within which the carrier, during the month or months covered by its report, performed irregular route operations.

(e) The make, type, and carrying capacity of each truck or other units of equipment owned, operated by, or licensed in name of the carrier or predecessor in interest, for the years 1946 and 1947, respectively.

(f) A current balance sheet showing the assets, liabilities, and net worth of the carrier.

Issuance of certificate; duty of Commission.

(3) Duty of the Commission. The Commission shall issue a certificate to such carrier authorizing the regular route operations and the irregular route operations for which application is made, as provided in this Section, but only to the extent that the Commission finds from the application that the operations of such carrier were reasonably frequent and continuous throughout the period covered by the report of operations filed with and made a part of the application, and to that end the application so filed shall be received in evidence by the Commission; *provided, however,* the Commission may require such supporting or additional evidence as it may desire as to the verity of the facts stated in the application; *provided, further,* that the Commission may deny such certificate upon a finding from competent evidence that the applicant is unfit, or otherwise disqualified, to perform the service for which application is made. In the event no protest is filed within such time as may be prescribed by the rules of the Commission, the necessary findings may be made and certificate issued without a hearing.

Application as evidence.

Supporting evidence.

Power of Commission to deny certificate.

Issuance without hearing, if no protest.

Issuance of permits to certain contract carriers.

SEC. 8. Issuance of Permits to qualified Contract Carriers Operating on and Continuously since January 1st, 1947.

Eligibility operations.

(1) That subject to Section 16, if any carrier or predecessor in interest was in bona fide operation as a contract carrier by motor vehicle on January 1st, 1947, over the route or routes, or within the territory for which application is made under this Section, and has so operated since that time, or, if engaged in furnishing seasonal service, only, was in bona fide operation on January 1st, 1947, during the season ordinarily covered by its operations, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue a permit to such carrier, if such carrier qualifies itself in the following manner.

Application by carrier for permit.

(2) Duty of Carrier. This Section shall not apply to a carrier unless the carrier on or before the effective date of this Act files with the Commission on forms furnished by it an application under oath for a permit under this Section, giving such information and in such detail as the Commission may require, including the following:

Contents of application.

(a) The full name and address of each person owning an interest in the transportation business of the carrier.

(b) The number of consignors served as a contract carrier during the month of January, 1947, and the points of origin and points of destination from and to which the carrier operated during said month.

(c) The make, type and carrying capacity of each truck, or other unit of equipment, owned, operated by, or licensed in the name of the carrier during the month of January, 1947, and for each month thereafter up to the filing of said application.

(d) A true copy of each contract between the carrier and a shipper in force on the date of such application. (No such contract shall be open to inspection by other carriers or by the public, except by order of court or by order of the Commission in a proceeding involving the violation of some law or valid regulation of the Commission in which such contract becomes material.)

(e) A current balance sheet showing the assets, liabilities, and net worth of the carrier.

Issuance of certificate; duty of Commission.

(3) Duty of Commission. The Commission shall issue a permit to such carrier, authorizing operations for which application is made under this Section, but only to the extent that the Commission finds from the application that the applicant was a bona fide contract carrier on January 1st, 1947, and has continued to so operate since that time, seasonal service and unavoidable interruptions considered; and to that end, the application so filed shall be received in evidence by the Commission; *provided, however,* the Commission may require such supporting or additional evidence as it may desire as to the verity of the facts stated in the application; *provided further,* that the Commission may deny such permit upon a finding from competent evidence that the applicant is unfit or otherwise disqualified to perform the service for which application is made. In the event no protest is filed within such time as may be prescribed by the rules of the Commission, the necessary findings may be made and permit issued without a hearing.

Application as evidence.

Supporting evidence.

Power to deny permit.

Permit issued without hearing, if no protest.

Issuance of permits to persons whose operations abandoned because of military service.

SEC. 9. Issuance of Certificates to Persons Whose Operations were Abandoned Because of Service with the Armed Forces.

Eligibility.

(1) That any person who was regularly engaged in the transportation business as a common carrier by motor vehicle subsequent to January 1st, 1940, of which such person was a principal owner, and who abandoned such transportation business because of entry into the Armed Forces of the United States, shall be entitled to a certificate, as provided in this Section, authorizing the operations so abandoned; *provided, however,* that such person on or before the effective date of this Act files with the Commission on forms furnished by it an application under oath for a certificate under this Section, giving such information and in such detail as the Commission may require, including the following:

Application.

Contents of application.

(a) The full name and address of each person owning an interest in such transportation business at the time the same was abandoned and the interest owned by each.

(b) The date when such business was abandoned, the date when the applicant entered the Armed Forces, and the date when he was discharged therefrom.

(c) The names and addresses of the shippers served by the applicant during one or more full calendar months of the last year of regular operations chosen by the applicant as being fairly representative of the nature, extent, and frequency of his operations at the time the same were abandoned, and the points to and from which shipments were made by the applicant for the month or months so chosen.

(d) An accurate description of the highways over which, and the termini between which, such person performed regular route operations during the calendar month or months chosen, as herein provided.

(e) An accurate description of the territory within which such person performed irregular route operations during the calendar month or months chosen, as herein provided.

(f) The make, type, and carrying capacity of each truck or other unit of equipment owned, operated by, or licensed in the name of the applicant during the last month of regular operations.

(g) A current balance sheet showing the assets, liabilities and net worth of the applicant.

Issuance of permit; extent of authority.

(2) If the Commission finds from the application that the applicant abandoned a bona fide operation as a common carrier by motor vehicle under the conditions set out in this Section, it shall issue a certificate to such applicant authorizing the regular route operations and the irregular route operations for which application is made, as provided in this Section, but only to the extent that it finds from the application that the operations of such person were reasonably frequent and continuous throughout the period covered by its application, seasonal service and unavoidable interruptions considered, and to that end, the application so filed shall be received in evidence by the Commission; *provided, however,* the Commission may require such supporting or additional evidence as it may desire as to verity of the facts stated in the application; *provided further,* the Commission may deny such certificate upon a finding from competent evidence that the applicant is unfit or otherwise disqualified to perform the service for which application is made. In the event no protest is filed within such time as may be prescribed by the rules of the Commission, the

Application as evidence.

Supporting evidence.

Power to deny permit.

Permit issued without hearing, if no protest.

necessary findings may be made and certificate issued without a hearing.

Issuance of temporary authority, pending final decision.

SEC. 10. Issuance of Temporary Authority. That upon the filing of an application in good faith for a certificate, or permit, as provided in Sections 7, 8 and 9, respectively, the Commission shall, pending its final decision on the application, issue to the applicant appropriate temporary authority to operate as a common carrier by motor vehicle, or as a contract carrier by motor vehicle, as the case may be, under such just and reasonable conditions and limitations as the Commission deems necessary or desirable to impose in the public interest; *provided, however,* that pending such final decision on the application, the applicant shall comply with all the provisions of this Act, and with the lawful orders, rules and regulations of the Commission promulgated thereunder, applicable to holders of certificates or permits, and upon failure of an applicant so to do, after reasonable notice from the Commission requiring compliance therewith in the particulars set out in the notice, and after hearing, the application may be dismissed by the Commission without further proceedings, and temporary authority issued to such applicant revoked.

Conditions.

Revocation of temporary authority.

SEC. 11. Applications and Hearings.

Operations without certificate or permit, prohibited.

(1) That except as otherwise provided in Sections 4, 6, 7, 8, 9, 10 and 17 of this Act, no person, after the effective date of this Act, shall engage in the transportation of property in intrastate commerce or continue in any such operations until and unless such persons shall have applied to and obtained from the Commission a certificate or permit authorizing such operations, and it shall be unlawful for any person to knowingly or wilfully operate in intrastate commerce in any manner contrary to the provisions of this Act, or of the rules and regulations of the Commission made pursuant thereto.

Form of application for certificate or permit.

(2) Applications for certificates or permits shall be made to the Commission in writing on forms furnished by the Commission, shall be verified under oath by the applicant, and shall contain such information and in such form and detail as the Commission may require.

Hearing.

Notice of hearing.

(3) Upon filing of an application for a certificate or a permit, the Commission shall, within a reasonable time, fix a time and place for hearing such application not less than thirty (30) days after such filing. The Commission shall cause notice of the time and place of hearing to be given by mail to the applicant, to other motor carriers holding certificates or permits and operating in the territory proposed to be served by the applicant, to other carriers who have pending applications to so operate, and to rail carriers operating in such territory.

Notice by mail.

(4) The notice herein required shall be given at least twenty (20) days prior to the date fixed for the hearing and shall be deemed given on the date the same is mailed, but failure of any such person, other than the applicant, to receive any such notice shall not, for that reason, invalidate the action of the Commission in granting or denying such application.

Effect of failure to receive notice.

Protests.

(5) The Commission may, by general regulation, require parties desiring to protest the granting an application for a certificate or permit, in whole or in part, to mail or deliver to the Commission and to the applicant, within such reasonable time prior to the date fixed for the hearing as the Commission may by regulation require, written protests under oath specifying the grounds for such protests and the particular way and manner in which the protestant will be adversely affected by the granting of the application. If no such protest is filed within the time required, the Commission may make the necessary findings and issue the certificate or permit without a hearing; otherwise, except as provided in Sections 6, 7, 8 and 9, no certificate or permit shall be issued, or amended so as to enlarge the scope of operations, without a hearing on an application therefor, as provided in this Section.

Issuance of certificate or permit without hearing, if no protest.

When hearing required.

Burden of proof.

(6) If the application is for a certificate, the burden of proof shall be upon the applicant to show to the satisfaction of the Commission, (a) that a public demand and need exists for the proposed service in addition to existing authorized transportation service, and (b) that the applicant is fit, willing and able to properly perform the proposed service, consideration being given to the financial ability of the applicant to furnish adequate service and to the probability of its continuation.

Matters considered when application is for permit.

(7) If the application is for a permit, the Commission shall give due consideration to (a) whether the proposed operations conform with the definition in this Act of a contract carrier, (b) whether the proposed operations will unreasonably impair the efficient public service of carriers operating under certificates and/or rail carriers, (c) whether the proposed service will unreasonably impair the use of the highways by the general public, (d) whether the applicant is fit, willing and able to properly perform the service proposed as a contract carrier, (e) whether the proposed operations will be consistent with the public interest and the transportation policy declared in this Act, and (f) other matters tending to qualify or disqualify the applicant for a permit.

Terms and conditions of certificate.

SEC. 12. Terms and Conditions of Certificate. Any certificate issued under this Act shall specify the service to be rendered and the routes over which, the fixed termini, if any,

between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which, the motor carrier is authorized to operate; and there shall, at the time of issuance and from time to time thereafter, be attached to the privileges granted by the certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the Commission under Section 5; *provided, however,* that no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

Issuance of permits; terms and conditions.

SEC. 13. Issuance of Permits, Terms and Conditions. That the Commission shall specify in the permit, or amendment thereto, the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the Commission under Section 5; *provided,* that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, as the development of the business and the demands of the public may require.

Partnership certificates or permits.

SEC. 14. Issuance of Partnership Certificates or Permits. That no certificate or permit shall be issued under this Act to two or more individuals until such individuals shall have executed a partnership agreement and recorded the same in the office of the Clerk of the Superior Court in the county in which the principal office of the partnership is located, a certified copy of which agreement shall be filed with the Commission.

Identical or similar trade names prohibited.

SEC. 15. The Same or Similar Trade Names Prohibited. That no carrier holding or operating under a certificate or permit issued under this Act shall adopt or use the same trade name used by any other such carrier, or the name of any corporation holding or operating under a certificate or permit, or any name so similar to the trade or corporate name of another carrier as to mislead or confuse the public, and the Commission may, upon complaint, or upon its own initiative, in any such case require the carrier to discontinue the use of such trade

name, preference being given to the carrier first adopting and using such trade name.

Dual operations.

SEC. 16. Dual operations. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the transportation policy declared in this Act:

Restrictions upon holder of common carrier certificate.

(1) No person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory; and

Restrictions upon holder of contract carrier permit.

(2) No person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory.

Emergency operating authority.

SEC. 17. Emergency Operating Authority. That to meet unforeseen emergencies, the Commission may, upon its own initiative, or upon written request by any shipper, group or organization of shippers, department or agency of the State, or of any county, city or town, with or without a hearing, grant appropriate authority to any owner of a duly licensed truck or trucks, whether such owner holds a certificate or permit or not, to transport such commodities between such points, or within such area, during the period of the emergency and to the extent necessary to relieve the same, as the Commission may fix in its order granting such authority: *provided,* the Commission finds from such request, or from its own knowledge of conditions, that a real emergency exists and that relief to the extent authorized in its order is immediate, pressing and necessary in the public interest, and that the carrier so authorized has the necessary equipment and is willing to perform the emergency service as prescribed by the order.

Deviation from regular route operations.

SEC. 18. Deviation from Regular Route Operations. That any common carrier by motor vehicle, now or hereafter holding a certificate issued by the Commission authorizing the transportation of general commodities over regular routes be-

tween fixed termini, may, under such rules and regulations as the Commission may prescribe, (1) transport from origin to destination, over any convenient highway or highways, shipments in truckloads originating at or destined to points on the regular routes of such carrier, and (2) move shipments in truckloads from any point on its regular routes to any other points on its regular routes over any convenient highway or highways between such points, whether over the routes of another carrier or not, where such movement over the carrier's own routes would otherwise be unnecessarily circuitous. In no event shall the operation of empty equipment by any carrier over any route or highway be construed as a violation of the rights of any carrier.

Security for protection of public.

SEC. 19. Security for Protection of the Public. That no certificate or permit shall be issued to any motor carrier, or remain in force until such carrier shall have procured and filed with the Commission such security for the protection of the public as the Commission shall by regulation determine and require.

Joinder of causes of action between shippers and motor carriers.

SEC. 20. Joinder of Causes of Action. To expedite the settlement of claims between shippers and motor carriers, a shipper may join in the same complaint against a motor carrier any number of claims for overcharges, or a motor carrier may join in the same complaint any number of claims against a shipper for undercharges, whether such claims arose at the same time or in the course of shipments at different times; *provided*, that each such claim shall be so identified that the same and the allegations with respect thereto may be distinguished from other claims so joined in the complaint, and in cases in which the right of subrogation may be invoked the judgment shall specify the amount of recovery, if any, on each such claim. For the purpose of jurisdiction under this Section the aggregate amount set out in the complaint shall be deemed the sum in controversy.

Determination of jurisdictional amount.

Notice of claims by shippers.

Time limitation.

Limitation of actions.

SEC. 21. Notice of Claims and Limitations for Loss, Damage, or Injury to Goods. Any claim for loss, damage, or injury to goods while in the possession of a carrier shall be filed by the claimant with the adverse party in writing within nine (9) months after the same occured, and the cause of action with respect thereto shall be deemed to have accrued at the expiration of thirty (30) days after the date of such notice, and action for recovery thereon may be commenced immediately thereafter or at any time within two (2) years after notice in writing shall have been given to the claimant by the adverse party that the claim or any part thereof specified in such notice has been disallowed, and neither party shall by any rule, regulation, contract, or otherwise, provide for a shorter

time for filing such claims, or for commencing actions thereon than the periods set out in this Section.

Transfers of certificates and permits.

SEC. 22. Transfers of Certificates and Permits. That no certificate or permit issued under the provisions of this Act shall be sold, assigned, pledged, transferred, or any rights thereunder leased, nor shall any merger or combination affecting any motor carrier be made through acquisition of control by stock purchases or otherwise, except after application to and written approval by the Commission, and no sale of a ceritficate or permit shall be approved by the Commission until the seller shall have filed with the Commission a statement under oath of all debts and claims against the seller, of which such seller has any knowledge or notice, (a) for gross receipt taxes, use or privilege taxes, due or to become due the State, as provided in the current Revenue Act, (b) for wages due employees of the seller, other than salaries of officers, (c) for unremitted C.O.D. collections due shippers, (d) for loss or damage of goods transported, or received for transportation, (e) for overcharges on property transported, and (f) for interline accounts due other carriers, together with a bond payable to the State, executed by a surety company authorized to do business in the State, in an amount double the aggregate of all such debts and claims, conditioned upon the payment of the same within the amount of such bond as the amounts and validity of such debts and claims are established by agreement of the parties, or by judgment; *provided,* that it shall be considered against the policy declared in Section 1 of this Act for any person to obtain a certificate or permit for the purpose of transferring the same to another, and an offer of such transfer within one year after the same was obtained shall be prima facie evidence that such certificate or permit was obtained for the purpose of sale.

Suspension or revocation of certificates and permits.

SEC. 23. Suspension or Revocation of Certificates and Permits. (1) That certificates and permits issued under the provisions of this Act shall be effective from the date issued unless otherwise specified therein, and shall remain in effect until terminated under the terms thereof, or until suspended or revoked as herein provided.

Powers of Commission as to suspension and revocation.

(2) Any certificate or permit may be suspended or revoked, in whole or in part, in the discretion of the Commission, upon application of the holder thereof; or may be suspended or revoked, in whole or in part, upon complaint, or upon the Commission's own initiative, after notice and hearing, for willful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition, or limitation of such certificate or permit; *provided, however,* that any such

Causes for suspension.

certificate or permit may be suspended by the Commission upon notice to the holder or lessee thereof without a hearing for any one or more of the following causes:

(a) For failure to provide and keep in force at all times security for the protection of the public as required in Section 19.

(b) For failure to file and keep on file with the Commission applicable tariffs or schedules of charges as required in Sections 25 and 26.

(c) For failure to pay any gross receipt taxes, use or privilege taxes, due the State of North Carolina within thirty (30) days after demand in writing from the agency of the State authorized by law to collect the same; *provided,* that this paragraph shall not apply to instances in which there is a bona fide controversy as to tax liability.

(d) For failure for a period of sixty (60) days after execution to pay any final judgment rendered by a court of competent jurisdiction against any holder or lessee of a certificate or permit for any debt or claim specified in (a) to (f), inclusive, in Section 22.

(e) For failure to begin operations as authorized by the Commission within the time specified by order of the Commission, or for suspension of authorized operations for a period of thirty (30) days without the written consent of the Commission.

SEC. 24. Rates and Charges of Common Carriers.

Duties of common carriers by motor vehicle as to service.

(1) That it shall be the duty of every common carrier by motor vehicle to provide safe and adequate service, equipment, and facilities for the transportation of property in intrastate commerce; to establish, observe, and enforce just and reasonable regulations and practices relating thereto, and to the manner and method of presenting, marking, packing and delivering property for transportation in intrastate commerce, the facilities for such transportation, and all other matters relating to or connected with the transportation of property in intrastate commerce.

Through routes, joint rates.

(2) That except under special conditions and for good cause shown every common carrier by motor vehicle authorized to transport general commodities over regular routes shall establish reasonable through routes and joint rates, charges, and classifications with other such common carriers by motor vehicle, and, with the approval of the Commission, may do so with irregular route common carriers by motor vehicle, common carriers by railroad and/or express and/or water. In case of joint rates and charges between common carriers of

any class or kind whatsoever, it shall be the duty of the carriers parties thereto to establish just and reasonable regulations and practices in connection therewith, and just, reasonable, and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of such participating carriers. Upon investigation and for good cause, the Commission may, in its discretion, prohibit the establishment of joint rates or service.

Power of Commission to prohibit joint rates or service.

(3) That all charges made for services rendered or to be rendered by any common carrier by motor vehicle in the transportation of property in intrastate commerce or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any common carrier by motor vehicle engaged in intrastate commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, place, locality, territory, or description of traffic, in any respect whatsoever, or to subject any particular person, place, locality, territory, or description of traffic, to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; *provided, however,* that this paragraph shall not be construed to apply to discriminations, prejudices, or disadvantage to the traffic of any other carrier of whatever description.

Charges for services required to be reasonable.

Unreasonable preferences prohibited.

Unjust discriminations prohibited.

(4) That any person, organization, or body politic may make complaint in writing to the Commission that any such rate, charge, classification, rule, regulation, or practice in effect or proposed to be put into effect, is or will be in violation of this Section or of Section 25. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate or charge, demanded, charged, or collected by any common carrier or carriers by motor vehicle, or by any such common carrier or carriers in conjunction with any common carrier or carriers by railroad and/or express and/or water, for transportation of property in intrastate commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate or charge or the value of the service thereunder, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate or charge, or the minimum or maximum, or the minimum and maximum rate or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective.

Complaints against rates, charges, practices, etc.

Power of Commission to establish lawful rates, rules, practices, etc.

(5) That whenever, after hearing, upon complaint or upon

Power of Commission to regulate divisions of joint rates.

its own initiative the Commission is of the opinion that the divisions of joint rates or charges applicable to the transportation of property in intrastate commerce by common carriers by motor vehicle or by such carriers in conjunction with common carriers by railroad and/or express and/or water, are or will be unjust, unreasonable, inequitable or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers or any of them or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable division thereof to be received by the several carriers; and in cases where the joint rate or charge was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable or unduly preferential or prejudicial, the Commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers and require adjustment to be made in accordance therewith. The order of the Commission may require the adjustment of divisions between the carriers in accordance with the order from the date of filing the complaint or entry of order of investigation or such other dates subsequent as the Commission finds justified, and in the case of joint rates prescribed by the Commission, the order as to divisions may be made effective as a part of the original order.

Power of Commission to conduct hearings as to lawfulness of rates, rules, practices.

(6) Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, charge, or classification for the transportation of property in intrastate commerce by any common carrier or carriers by motor vehicle or by any such carrier or carriers in conjunction with the common carrier or carriers by railroad and/or express and/or water, or any rule, regulation, or practice affecting such rate or charge or the value of the service thereunder, the Commission is hereby authorized and empowered upon complaint of any interested party or upon its own initiative at once, and, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate or charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon, the Commission, by filing such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reason for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate or charge, or such rule, regulation, or practice, but not for a longer period in the aggregate than 180 days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, charge, classification, rule, regulation, or practice goes into effect, the Commission may make such

Power to suspend rates, rules, practices, pending hearing and decision.

Limitation of power.

Order of Commission.

order with respect thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate or charge or classification, rule, regulation, or practice shall go into effect at the end of such period. At any hearing involving a change in the rate, charge, or classification, or any rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, charge, classification, rule, regulation, or practice is just and reasonable.

Effective date of change of rate, rule, practice, etc.

Burden of proof.

(7) That in the exercise of its power to prescribe just and reasonable rates and charges for the transportation of property in intrastate commerce by common carriers by motor vehicle, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon movement of traffic by the carrier or carriers for which rates are prescribed; to the need in the public interest of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; to the need of revenues sufficient to enable such carriers under honest, economical, and efficient management to provide such service.

Matters for consideration by Commission in regulation of rates, practices, etc.

(8) That nothing in this Section shall be held to extinguish any remedy or right of action not inconsistent herewith.

Construction of Section.

SEC. 25. Tariffs of Common Carriers.

(1) Every regular route common carrier of general commodities by motor vehicle shall file with the Commission, and print, and keep open for public inspection tariffs showing all rates and charges for the transportation of property in intrastate commerce, and all services in connection therewith between points on its own routes and between points on its own routes and points on the routes of other such common carriers, and if it establishes joint rates and charges with common carriers by railroad and/or express and/or water, then in that event it shall include in its tariffs so filed such joint rates and charges.

Tariffs of regular route common carriers filed with Commission.

(2) Every irregular route common carrier by motor vehicle shall file with the Commission, and print, and keep open for public inspection tariffs showing all rates and charges for the transportation of property in intrastate commerce between points within the area of its authorized operations, and if it establishes joint rates and charges with common carriers by railroad and/or express and/or water, then in that event it shall include in its tariffs so filed such joint rates and charges between points within the area of its own authorized opera-

Tariffs of irregular route common carriers filed with Commission.

tion and points on the line or route of such carriers by railroad and/or express and/or water.

Regulation of tariffs with respect to joint rates.

(3) The tariffs required by this Section or permitted thereunder with respect to joint rates and charges with common carriers by railroad and/or express and/or water shall be stated in lawful money of the United States and shall be published, filed, and posted in such form and manner and shall contain such information as the Commission by regulation may prescribe; and the Commission is authorized to reject any tariff filed with it which is not in consonance with this Section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

Compliance with tariffs required.

(4) That no common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property in intrastate commerce or for any service in connection therewith between points enumerated in such tariff than the rates, and charges, specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or otherwise, any portion of the rates or charges so specified, or to extend to any person any privilege or facilities for transportation of property in intrastate commerce except such as are specified in its tariffs.

Refunds, rebates, not in accord with tariff, prohibited.

Notice required with respect to changes in tariffs.

(5) That no change shall be made in any rate, charge, or classification, or any rule, regulation, or practice affecting such rate, charge or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier by motor vehicle except after 30 days' notice of the proposed change filed and posted in accordance with this Section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this Section with respect to the posting and filing of tariffs, either in specific instances or by general order applicable to special or peculiar circumstances or conditions.

Power of Commission to modify notice and filing requirements.

Operations, without filing and publishing tariffs, prohibited.

(6) That no common carrier by motor vehicle, unless otherwise provided by this Act, shall engage in the transportation of property in intrastate commerce, unless the rates and charges upon which the same are transported by such carrier have been filed and published in accordance with the provisions of this Act.

Establishment of rates and practices by contract carriers.

SEC. 26. Schedules of Contract Carriers.

(1) That it shall be the duty of every contract carrier to

establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of property or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable minimum rates and charges. It shall be the duty of every contract carrier to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of property in intrastate commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this Act, shall engage in the transportation of property in intrastate commerce unless the minimum charges for such transportation by said carrier have been published, filed, and posted in accordance with the provisions of this Act. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after 30 days notice of the proposed change filed in the aforesaid form and manner, but the Commission may, in its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules, either in particular instances or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge, or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept, or receive less than the minimum charges so filed or prescribed; *provided*, that any such carrier or carriers, or any class or group thereof, may apply to the Commission for relief from the provisions of this paragraph, and the Commission may, after hearing, grant such relief to such extent and for such time, and in such manner as in its judgment is consistent with the public interest and the transportation policy declared in this Act.

Filing of minimum rates, rules, practices, etc. with Commission.

Operations prohibited, unless charges filed.

Notice as to reductions of charges, changes of rules, etc.

Power of Commission to modify requirements.

Charging or collection of compensation less than charges filed, prohibited.

Power of Commission to grant relief from provisions of this Section.

(2) That whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, for the transportation of property or in connection therewith,

Power of Commission to prescribe charges, rules, practices, etc.

contravenes the transportation policy declared in this Act, or is in contravention of any provision of this Act, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this Act. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this Act, which the Commission may find to be undue or inconsistent with the public interest and the transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

Restrictions upon Commission as to allowance of preferences, etc.

Matters to be considered by Commission.

Contents of complaints.

Hearings as to lawfulness of charges, rules, practices, etc., of contract carriers.

(3) That whenever there shall be filed with the Commission by any such contract carrier any schedule stating a charge for a new service or a reduced charge, directly or by means of any rule, regulation, or practice, for the transportation of property in intrastate commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period in the aggregate than 180 days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period. The rule as to burden of proof specified in Section 24 (6) shall apply to this paragraph.

Suspension of schedule of charges, rule, or practice, pending hearing and decision.

Limitation of time of suspension.

Commission's order.

Burden of proof.

Liability for damage to property in transit.

SEC. 27. Liability for Damage to Property in Transit. That every common carrier by motor vehicle receiving property for transportation in intrastate commerce shall issue a bill of

lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it, or by any carrier participating in the haul when transported on a through bill of lading, and any such carrier delivering said property so received and transported shall be liable to the lawful holder of said bill of lading or to any party entitled to recover thereon for such loss, damage, or injury, notwithstanding any contract or agreement to the contrary; *provided, however,* the Commission may, by regulation or order, authorize or require any such common carrier, to establish and maintain rates related to the value of shipments declared in writing by the shipper, or agreed upon as the release value of such shipments; such declaration or agreement to have no effect other than to limit liability and recovery to an amount not exceeding the value so declared or released, in which case, any tariff filed pursuant to such regulation or order shall specifically refer thereto; *provided further,* that nothing in this Section shall deprive any lawful holder of such bill of lading of any remedy or right of action which such holder has under existing law; *provided further,* that the carrier issuing such bill of lading, or delivering such property so received and transported, shall be entitled to recover from the carrier on whose route the loss, damage, or injury shall have been sustained, the amount it may be required to pay to the owners of such property.

SEC. 28. Accounts, Records, and Reports.

Powers of Commission to require reports.

(1) That the Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, and lessors (as defined in this Section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, or lessor, in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Act. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest; *provided,* that if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier as required by Section 26, the Commission may, in its discretion,

Power to require filing of contracts.

make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

Contents of annual reports.

(2) That said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Raleigh within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under paragraph (1) hereof shall also be under oath, whenever the Commission so requires.

Under oath.

Special reports under oath.

Power of Commission to regulate depreciation charges and practices, under operating expenses.

(3) That the Commission may prescribe for motor carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this paragraph, motor carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Forms of accounts, records, memoranda, kept by carriers.

(4) That the Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys; and it shall be unlawful for such carriers, and lessors, to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, stubs, correspondence, or documents of motor carriers, or lessors, as may after a reasonable time be destroyed, and prescribing the length of time they shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memo-

Powers as to permitting destruction of records.

Powers of inspection by Commission and agents.

randa, correspondence, and other documents of such carriers, and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. Motor carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, and lessors, shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, auditor, inspector, or examiner of the Commission upon demand and the display of proper credentials.

Duties of carriers and others as to submission of records, etc., for inspection.

(5) That as used in this Section, the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained; the term "lessor" means a lessor of any right to operate as a motor carrier; and the term "motor carrier," or "lessor," includes a receiver or trustee of any such motor carrier, or lessor.

Meaning of "keep" and "kept" as used in Section.

"Lessor."

SEC. 29. Orders, Notices, and Service of Process.

(1) That it shall be the duty of every motor carrier operating under a certificate or permit issued under the provisions of this Act to file with the Commission a designation in writing of the name and post office address of a person upon whom or which service of notices or orders may be made under this Act. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this Act may be made upon a motor carrier by personal service upon it or upon the person so designated by it, or by registered mail, return receipt requested, addressed to it or to such person at the address filed. In proceedings before the Commission involving the lawfulness of rates, charges, classifications, or practices, service of notice upon the person or agent who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Designation of process agent by motor carriers.

Service of notices and orders.

(2) That except as otherwise provided in this Act, all orders of the Commission shall take effect within such reasonable time as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

Effective dates and effect of orders of Commission.

SEC. 30. Unlawful Operation.

(1) That any person, whether carrier, or any officer, em-

Punishment for violations of Act, orders, permits, certificates, etc.

ployee, agent or representative thereof, knowingly and willfully violating any provisions of this Act or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate or permit, for which a penalty is not otherwise herein provided, shall be guilty of a misdemeanor, and upon conviction thereof be fined not more than $100.00 for the first offense and not more than $500.00 for any subsequent offense.

Remedies of Commission for enforcement of Act.

(2) That if any motor carrier operates in violation of any provision of this Act (except as to the reasonableness of rates or charges and the discriminatory character thereof), or of any rule, regulation, requirement, or order thereunder, or of any term or condition of any certificate or permit, the Commission or its duly authorized agent may apply to the resident Superior Court Judge of any judicial district where such motor carrier operates, or to any Superior Court Judge holding court in any such judicial district, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or its officers, agents, employees, and representatives from further violation of such provision of this Act or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto.

Punishment for specified acts of unlawful conduct by any person.

(3) That any person, whether carrier, shipper, consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Act, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of property subject to this Act for less than the applicable rate, or charge, or who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this Act provided for motor carriers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than $500.00 for the first offense and not more than $2,000.00 for any subsequent offense.

Divulging certain information obtained during inspections, etc., made unlawful.

(4) That it shall be unlawful for any special agent, accountant, auditor, inspector, or examiner to knowingly and willfully divulge any fact or information which may come to his knowledge during the course of any examination or in-

spection made under authority of Section 28, except as he may be directed by the Commission or by a court or judge thereof.

Receiving or disclosing certain information by carriers, etc., prohibited.

(5) That it shall be unlawful for any motor carrier engaged in intrastate commerce or any officer, receiver, trustee, lessee, agent, or employee of such carrier, or for any other person authorized by such carrier, to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such motor carrier for such transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Giving information under legal authority, not prohibited.

(6) That nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the State or of the Government of the United States, in the exercise of his power, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Punishment for refusal to make reports, for falsifications, etc.

(7) That any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this Act, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Act to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than $5,000.00. As used in this Subsection the words "kept" and "keep" shall be construed to mean made, prepared, or compiled, as well as retained.

SEC. 31. Collection of Rates and Charges.

Collection of rates and charges by common carriers by motor vehicle.

(1) That no common carrier by motor vehicle shall deliver or relinquish possession at destination of any freight transported by it in intrastate commerce until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for weekly or monthly settlement, and to prevent unjust discrimination or undue preference or prejudice; *provided,* that the provisions of this Section shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for the State, or political subdivision thereof.

Extension of credit in certain cases.

Liability of consignee other than shipper or consignor.

Where any common carrier by motor vehicle is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and had no beneficial title in the property, and (b) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property.

Liability of beneficial owner in case of consignment or diversion not originally specified.

Liability of consignee for giving erroneous information.

In such cases the shipper and consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges, irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made. If the consignee has given to the carrier erroneous information as to who is the beneficial owner, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this Section. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith.

Allowances to shippers for transportation services.

SEC. 32. Allowance to Shippers for Transportation Services. That if the owner of property transported under the provisions of this Act directly or indirectly renders any service connected with such transportation, or furnishes any instru-

mentality used therein, the charge and allowance therefor shall be published in the tariffs or schedules filed in the manner provided in this Act and shall be no more than is just and reasonable; and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order.

Embezzlement of C.O.D. shipments.

SEC. 33. Embezzlement of C.O.D. Shipments. That property received by any motor carrier to be transported in intrastate commerce and delivered upon collection on such delivery and remittance to the shipper of the sum of money stated in the shipping instructions to be collected and remitted to the shipper, and the money collected upon delivery of such party, is hereby declared to be held in trust by any carrier having possession thereof or the carrier making the delivery or collection, and upon failure of any such carrier to account for the property so received, either to the shipper to whom the collection is payable or the carrier making delivery to any carrier handling the property or making the collection, within fifteen (15) days after demand in writing by the shipper, or carrier, or upon failure of the delivering carrier to remit the sum so directed to be collected and remitted to the shipper, within fifteen (15) days after collection is made, shall be prima facie evidence that the property so received, or the funds so received, has been willfully converted by such carrier to its own use, and the carrier so offending shall be guilty of a felony and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court, and such carrier may be indicted, tried, and punished in the county in which such shipment was delivered to the carrier, or in any other county into or through which such shipment was transported by such carrier.

Prima facie evidence.

Punishment.

Venue.

Reports by carriers of accidents not admissible in evidence.

SEC. 34. Evidence: Joinder of Surety. That no report by any carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of any investigation of any such accident, shall be admitted as evidence, or used for any other purpose in any suit or action for damages growing out of any matter mentioned in such report or investigation; nor shall the discharge by any carrier of any truck driver or other employee after any such accident be offered or admitted in evidence for any purpose in any suit or action against such carrier for damages arising out of any such accident; nor shall any insurance company or surety executing any insurance policy, bond, or other security for the protection of the public, as provided in Section 19, or as provided in Section 22, be joined with the assured carrier in any

Discharge of employee by carrier, not admissible in evidence.

Joinder of surety or insurance company in actions against carrier, prohibited.

Evidence of bond or insurance not admissible.

action or suit for damages, debt, or claim thereby secured; nor shall evidence of any such policy, bond, or other security be offered or received in any such action or suit against the carrier, but the surety or insurer shall be obligated within the amount of such policy, bond or other security to pay any final judgment against the carrier.

SEC. 35. Interstate Carriers.

Application of Act to interstate carriers.

(1) That this Act shall apply to persons and vehicles engaged in interstate commerce over the highways of this State, and the Commission may, in its discretion, require such carriers to file with it copies of their respective interstate authority, registration of their vehicles operated in this State, and the observance of such reasonable rules and regulations as the Commission may deem advisable in the administration of this Act and for the protection of persons and property upon the highways of the State, except insofar as the provisions of this Act may be inconsistent with, or shall contravene, the Constitution and laws of the United States.

Authority of Commission to hold joint hearings with I. C. C. or authorities of other States.

(2) That the Commission or its authorized representative is authorized to confer with and hold joint hearings with the authorities of other states or with the Interstate Commerce Commission or its representatives in connection with any matter arising under this Act, or under the Federal Motor Carrier Act, which may directly or indirectly affect the interests of the people of this State or the transportation policy declared by this Act or by the Interstate Commerce Act.

Schedule of fees and charges payable to Commission.

SEC. 36. Fees and Charges. That the following fees and charges shall be paid to the Commission under the provisions of this Act:

(1) $25.00 with each application for a certificate or permit, and with each application for an amendment to a certificate or permit for new or additional operating rights, but credit shall be given for fees paid on applications filed under the existing law and heard after this Act becomes effective.

(2) $10.00 for each application for approval of a sale, assignment, pledge, hypothecation, transfer of a certificate or permit, or lease of any right or interest under a certificate or permit, or for approval of any merger combination or change of control of the operating rights under a certificate of permit through stock transfer or otherwise.

(3) $1.00 for registration of each motor vehicle of a certificate or permit holder added to its rolling equipment after the effective date of this Act.

(4) Twenty-five cents for annual re-registration of each motor vehicle operated by a certificate or permit holder.

(5) Such reasonable charges for copies of transcripts of testimony, or for copies of other papers, records, or documents, or for certifying records, as the Commission shall prescribe in its rules of practice and procedure. All fees and charges received by the Commission under this Section shall be in addition to any other tax or fee provided by law and shall be paid forthwith to the State Treasurer.

Allocation of State funds for administration of Act.

SEC. 37. Allocation of Funds. That sufficient funds shall be provided in the Budget and allocated to the Commission to be disbursed under the supervision of the Director of the Budget for the administration and enforcement of the provisions of this Act, including the employment of such additional personnel as may be required for that purpose.

Short title.

SEC. 38. Title. That this Act shall be known and may be cited as the North Carolina Truck Act.

Partial invalidity provision.

SEC. 39. Unconstitutionality. That if any Section, sentence, clause, or phrase of this Act shall, for any reason, be held invalid by the courts, such decision shall not affect the validity of any other portion of this Act not involved in such decision.

Conflicting laws repealed.

SEC. 40. Inconsistent Acts. That all Acts or parts of Acts in conflict or inconsistent with this Act are hereby repealed to the extent of such conflict or inconsistence.

Effective date.

SEC. 41. Effective Date. That this Act shall be in full force and effect from and after October 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 244 CHAPTER 1009

AN ACT TO PROVIDE THAT ALL TAX LIENS IN RUTHERFORD COUNTY UPON WHICH SUITS HAVE NOT BEEN INSTITUTED SHALL BE BARRED TEN YEARS AFTER DUE DATE.

The General Assembly of North Carolina do enact:

Limitation of actions to enforce tax liens or certificates, Rutherford County and municipalities therein.

SECTION 1. No action shall be maintained by any county or municipality, or any other holder or owner of any tax lien or tax certificate, to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens held by counties and municipalities or any other holder or owner of any tax liens or certificates whether such taxes or tax liens are evidenced by original tax books or tax sales certificates unless such action shall be instituted, and a lis pendens shall have been filed in the office of the Clerk of the Superior Court

in the county where the tax was levied, within ten years from the time such taxes became due, of if payable in installments, ten years from the due date of each installment.

Application of Act.

SEC. 2. This Act shall apply only to Rutherford County, and municipalities therein.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 433 CHAPTER 1010

AN ACT CREATING THE NORTH CAROLINA ARMORY COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Definitions.

SECTION 1. The terms used in this Act mean:

"Commission."

(a) Commission: The Armory Commission created by this Act.

"Unit."

(b) Unit: Any National Guard unit active or inactive or State Guard unit or other organized military unit of which the Governor is Commander-in-Chief.

"Funds."

(c) Funds: Any funds appropriated by any municipality, county or the United States of America and made available for the purpose of acquiring armory sites or constructing or repairing any armory, warehouse, or other facility for the use of any unit or for any other purpose in connection with the housing, training, instruction or promotion of interest of any unit. It shall also include funds which may be donated for the benefit, directly or indirectly, of any unit.

"Armory."

(d) Armory: Any building and/or land suitable for armory purposes with area adjacent thereto, and any building and/or land suitable for warehousing, motor parking, instruction, training, or any other use necessary for any unit.

"Armory site."

(e) Armory Site: Any land suitable for the construction of an armory as defined in (d) above, with the adjacent area thereto necessary for motor parking, instruction and training of any unit.

"Facilities."

(f) Facilities: Furniture, equipment, warehouses, motor sheds, target ranges and any other adjunct necessary to administration, instruction and training of any unit.

(g) Municipality: Any incorporated city or town and any unincorporated city or town. "Municipality."

SEC. 2. The Governor of the State of North Carolina, the Attorney General of North Carolina, the Adjutant General of North Carolina, together with two federally recognized officers on the active list of the North Carolina National Guard to be appointed by the Governor and to serve at the pleasure of the Governor, shall constitute the North Carolina Armory Commission. The Governor shall be its Chairman and the Adjutant General shall be its Secretary. Composition of N. C. Armory Commission.

SEC. 3. The Commission above named shall have its principal office in Raleigh. The members shall serve without compensation and shall be allowed their reasonable expense incurred in attending meetings of the Commission or while traveling under orders for the performance of duty in connection with the business of the Commission. Such expense shall be payable out of any funds available to the Commission or, if the Governor so directs, out of the appropriation for the Adjutant General's Department. The Commission shall hold regular or special meetings at Raleigh or other designated places at the direction and on call of the Governor, after reasonable notice. A majority of the members shall constitute a quorum for the consideration of business. Location of principal office; service by members without pay. Travel expenses. Meetings. Quorum.

SEC. 4. The Commission is authorized and empowered to foster the development in North Carolina of adequate armories and other necessary facilities for the proper housing, instruction, training and administration of all units and facilities necessary for the proper protection, care maintenance, repair, issue and up-keep of public and military property issued to or for the use of any unit. Authority of Commission to foster development of armories and facilities.

SEC. 5. The Commission is further authorized and empowered: Powers of Commission specified.

(a) To act as an agency of the State of North Carolina for the purpose of setting up and administering any state-wide plan for the acquisition of armories and armory sites, for the construction and maintenance of armories and for providing facilities which are now or may be necessary in order to comply with any Federal law and in order to receive, administer and disburse any funds which may be provided by Act of Congress for such purpose.

(b) As such agency of the State of North Carolina, to promulgate state-wide plans for the acquisition of armories and armory sites, for the construction and maintenance of armories and such other facilities as may be found desirable or

necessary to meet the requirements and receive the benefits of any Federal Legislation with respect thereto.

(c) To receive and administer any funds which may be appropriated by any Act of Congress or otherwise for the acquisition of armories and armory sites, for the construction and maintenance of armories and for providing facilities, which may at any time become available for such purposes.

(d) To receive and administer any other funds which may be available in furtherance of any activity in which the Commission is authorized and empowered to engage under the provisions of this Act.

(e) To adopt such rules and regulations as may be necessary to carry out the intent and purpose of this Act.

Power to acquire land, make contracts, etc.

SEC. 6. In furtherance of the duties, powers and authority given herein, the Commission is authorized and empowered to accept and hold title to real property in the name of the State of North Carolina, and to engage in contracts and do any and all things necessary to carry out any statewide program for the acquisition of armories and armory sites, for the construction and maintenance of armories and to provide facilities which may be considered by it as necessary for any unit and which may be authorized by Act of Congress or otherwise.

Powers of counties and municipalities to lease, convey, or acquire property for use as armory.

SEC. 7. Every municipality and county of the State of North Carolina is hereby authorized and empowered to lease or convey by deed to the State of North Carolina: (1) any existing armory and the land adjacent thereto; (2) any hereafter acquired real property suitable for the construction of an armory, warehouse or other facility; and (3) any real property suitable for use in the administration, instruction and training of any unit. Every municipality and county is further authorized and empowered to acquire any real property which may be suitable for use as an armory or for the construction of an armory thereon, or for any other purpose of a unit. Contracting of an indebtedness and expenditure of public funds by any municipality or county to comply with the provisions of this Act are hereby declared to be a necessary expense and for a public purpose.

Powers of counties and municipalities to make appropriations for benefit of military units.

SEC. 8. Every municipality and county is hereby authorized and empowered to appropriate for the benefit of any unit or units such amounts of public funds from year to year as the governing body of such municipality or county may deem wise, patriotic and expedient; and is further authorized, either alone or in connection with others, to provide heat, light, water, telephone service and/or other costs of operation and maintenance of any armory.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 561 CHAPTER 1011

AN ACT TO APPROPRIATE SUPPLEMENTARY FUNDS FOR THE COMPLETION OF THE TABLE ROCK SMALLMOUTH BASS HATCHERY.

Preamble:

WHEREAS, there was appropriated during the 1945 Session of the North Carolina General Assembly one hundred ten thousand dollars ($110,000.00) for the purpose of constructing a smallmouth bass hatchery in Western North Carolina; and. 1945 appropriation for smallmouth bass hatchery.

WHEREAS, construction on this project is proceeding as rapidly as possible; and Progress on construction project.

WHEREAS, the estimates on which the above mentioned appropriation was made were based on material and labor costs, and conditions in 1944, and construction costs have greatly increased necessitating an additional appropriation: *Now, therefore:* Need for additional appropriation.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby appropriated out of the Game and Inland Fisheries Fund, or out of any legally established successor to the Game and Inland Fisheries Fund, the sum of fifty thousand dollars ($50,000.00) for the biennium 1947-49 to be used for the completion of the Table Rock Smallmouth Bass Hatchery; Supplemental appropriation for completion of Table Rock Smallmouth Bass Hatchery.

Provided such expenditure is approved by the North Carolina Wildlife Resources Commission. Approval of expenditures.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 588 **CHAPTER 1012**

AN ACT TO AMEND CHAPTER 227 OF THE PRIVATE LAWS OF NORTH CAROLINA, REGULAR SESSION 1921, RELATING TO THE ELIZABETH CITY FIRE COMMISSION.

The General Assembly of North Carolina do enact:

Ch. 227, Private Laws, 1921, amended; increase in number of members, Elizabeth City Fire Commission.

SECTION 1. The word "three" in line 4 of Section 1, Private Laws of 1921, Regular Session, Chapter 227 is hereby stricken out, and the word "seven" inserted in the fourth line of said Section 1 in lieu thereof, to the end that from and after July 1st, 1947, the Elizabeth City Fire Commission shall consist of seven members.

Election of Fire Department chief, other officers; employment of personnel.

SEC. 2. Section 2, Chapter 227, Private Laws of 1921, Regular Session, is hereby repealed. Said Fire Commission shall elect by a majority vote a chief of the Elizabeth City Fire Department and such assistant chief and other officers as it may deem necessary, and said Commission may employ such employees for said Department as it may deem necessary.

Fire chief as building inspector.

Said chief of the Fire Department shall perform the duties of Building Inspector.

Members of commission named; terms.

SEC. 3. From and after July 1st, 1947, the Elizabeth City Fire Commission shall consist of the present members, J. C. Sawyer and Miles Clark, each of whom shall serve for a term of four years, and W. C. Dawson who shall serve for a term of two years, and the following additional members, who shall hold office from said date for the number of years set opposite their respective names, to-wit:

1.	Bascom S. Sawyer	Four years
2.	Worth Gregory	Two years
3.	J. Elwood Weatherly	Four years
4.	Thomas J. Boswell	Two years

Successor appointments.

Upon the expiration of the terms of office of members of the Commission named herein, successors shall thereafter be appointed by the Elizabeth City Volunteer Fire Department for terms of four years. The appointive power of said Volunteer Fire Department shall extend for a period of four years from and after ratification of this bill. After the expiration of four years, the appointive power shall be vested in the governing body of the City of Elizabeth City.

Vacancies filled.

SEC. 4. In the event of a vacancy upon said Commission, or among the prospective Commissioners designated in Section 3 hereof, by death, resignation or otherwise, or in the event an appointee fails to qualify, said vacancy shall be filled by the election of a qualified member by a majority vote of the remaining members of said Commission.

Powers and duties of Commission as to Fire Department personnel.

SEC. 5. In addition to its present rights, authority and duties, said Commission shall have full and complete charge and control of employing, supervising and discharging, officers and the chief of the Elizabeth City Fire Department, which said members, officers and chief shall be employed and serve at the will of said Commission. Said Commission shall prescribe and fix all salaries and shall annually file with the governing body of Elizabeth City, not later than June 1st of each year, a budget for the ensuing fiscal year, indicating in detail the necessary expenses thereof, and the said governing body of Elizabeth City shall, in its discretion, levy and collect upon the order of said Commission a tax sufficient to meet said budget. Said Commission shall make all necessary rules and regulations governing said Fire Department and relating to the requirements of applicants for positions in said Department, which said rules and regulations shall be printed and made available for public inspection.

Budgetary duties.

Tax levy by city governing body.

Regulations governing fire department.

Promotion of fire department personnel.

Employment of department personnel.

SEC. 6. All promotions in the Fire Department shall be made by the chief, with the approval of said Commission. In the event of disagreement, a majority vote of the Commission shall be final. From and after the effective date of this Act the employment and continued service of all employees of the Elizabeth City Fire Department shall be at the discretion of said Commission.

Annual report by Fire Chief.

SEC. 7. Said chief and Commission shall, at the end of the fiscal year, make an annual report of their actions and expenditures for the preceding year, which said report shall be in detail and shall be available to the public for inspection. The members of said Commission shall be paid seven dollars and fifty cents ($7.50) for attendance upon meetings of the Commission, but such per diem shall not be paid for more than one meeting in any one month.

Compensation of Commission members.

Election of Chairman and Secretary.

SEC. 8. It shall be the duty of said Commission immediately after its organization as a seven-member body to elect from their number a chairman and a secretary.

Disbursement of tax proceeds.

SEC. 9. The proceeds of the tax levied to meet the budget of said Commission shall be disbursed by check signed by the chairman of said Commission and the chief of the Fire Department.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 663 CHAPTER 1013

AN ACT TO AMEND GENERAL STATUTES 45-28 RELATING TO INCREASED BIDS IN FORECLOSURE PROCEEDINGS.

The General Assembly of North Carolina do enact:

G. S. § 45-28, amended, as to increased bids, foreclosure proceedings.

SECTION 1. General Statutes 45-28 is hereby amended by striking out the third sentence of said Section beginning in line fourteen which reads as follows:

"If in ten days from the date of the sale, the sale price is increased ten per cent where the price does not exceed five hundred dollars, and five per cent where the price exceeds five hundred dollars, and the same is paid to the Clerk of the Superior Court, the mortgagee, trustee, executor, or person offering the real estate for sale shall reopen the sale of said property and advertise the same in the same manner as in the first instance", and inserting in lieu thereof the following:

Reopening of mortgage foreclosure sales upon increase in bid.

If within ten days from the date of the sale in a foreclosure proceeding or within ten days from the date of the filing of a report of sale in a judicial proceeding, the sale price is increased ten per cent where the price does not exceed one thousand dollars ($1,000.00), and in addition thereto five per cent on the amount of said increased bid in excess of one thousand dollars ($1,000.00) and the same is paid to the Clerk of Superior Court, the mortgagee, trustee, executor, or person offering the real estate for sale shall reopen the sale of said property and advertise the same in the same manner as in the first instance.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 739 CHAPTER 1014

AN ACT TO ALLOW THE DEFENDANT IN A BASTARDY PROCEEDING TO APPEAL FROM A FINDING OF THE ISSUE OF PATERNITY AGAINST HIM.

The General Assembly of North Carolina do enact:

G. S. § 49-7, amended, relating to bastardy proceeding.

SECTION 1. That Section 7 of Chapter 49 of the General Statutes of North Carolina entitled "Bastardy" be, and the same is hereby, amended by adding at the end thereof a new sentence to read as follows:

Provided, that from a finding of the issue of paternity against the defendant, the defendant shall have the same right to an appeal as though he had been found guilty of the crime of willfull failure to support a bastard child. Defendant's right of appeal from adverse finding on paternity issue.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 754 **CHAPTER 1015**

AN ACT TO AMEND SECTION 9-5 OF THE GENERAL STATUTES RELATING TO JURORS' FEES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 9-5 of the General Statutes is hereby amended by rewriting the said Section in its entirety to read as follows: G. S. § 9-5, amended.

SEC. 9-5. All jurors in the Superior Court and inferior courts shall receive such an amount per day as the boards of commissioners of their respective counties may fix, not less than two dollars ($2.00) per day and not more than five dollars ($5.00) per day; *Provided,* that the said commissioners of the respective counties may establish different rates of compensation for different classes of jurors, such as Superior Court jurors, inferior court jurors, grand jurors, regular jurors, etc., within the limitations set out above. Powers of county boards of commissioners to prescribe fees of jurors. Varying rates of compensation for different classes of jurors.

In addition to the compensation above provided for, all jurors shall receive a travel allowance of five (5) cents per mile while coming to the countyseat and returning home, the distance to be computed by the usual route of public travel; *Provided,* that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required. Travel allowances.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 757 **CHAPTER 1016**

AN ACT PROVIDING FOR THE DISPOSITION OF PROPERTY WHERE THERE IS NO SUFFICIENT EVIDENCE THAT PERSONS HAVE DIED OTHERWISE THAN SIMULTANEOUSLY, AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

The General Assembly of North Carolina do enact:

Disposition of property of decedents where no sufficient evidence of survivorship.

SECTION 1. No Sufficient Evidence of Survivorship. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this Act.

Distribution rule, where no evidence of survivorship of beneficiaries of another person's disposition of property.

SEC. 2. Beneficiaries of Another Person's Disposition of Property. Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived.

Distribution rule, where no evidence of survivorship of joint tenants, tenants by entirety.

SEC. 3. Joint Tenants or Tenants by the Entirety. Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Insurance policies; rule where no evidence of survivorship as between insurer and insured.

SEC. 4. Insurance Policies. Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneouly the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Act not retroactive.

SEC. 5. Act Not Retroactive. This Act shall not apply to the distribution of the property of a person who has died before it takes effect.

Effect of Act when decedent provides contrary disposition of property.

SEC. 6. Act Does Not Apply If Decedent Provides Otherwise. This Act shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this Act.

SEC. 7. Uniformity of Interpretation. This Act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it. Uniformity of interpretation.

SEC. 8. Short Title. This Act may be cited as the Uniform Simultaneous Death Act. Short title.

SEC. 9. Repeal. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. Severability. If any of the provisions of this Act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable. Partial invalidity provision.

SEC. 11. Time of Taking Effect. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 797 CHAPTER 1017

AN ACT REGULATING THE SALE IN AND EXPORTATION OF OYSTERS FROM BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to take, or cause to be taken by another, oysters from waters of Brunswick County for sale, except between the 15th day of October and the 1st day of March of each year hereafter. Taking oysters for sale, Brunswick County, prohibited during certain season.

SEC. 2. It shall be unlawful for any person, firm or corporation to take oysters from the waters of Brunswick County for the purpose of sale outside the State of North Carolina, or to transport the same across the State line, or to sell or ship the same to a nonresident of the State of North Carolina, except that the provision of this Section shall not prohibit the sale of oysters in regular eating establishments located in North Carolina and operated by a bona fide resident of the State of North Carolina to any person. Taking oysters for out-of-State sale, etc., Brunswick County, prohibited.

SEC. 3. It shall be unlawful for any person, firm or corporation to take clams from the waters of Brunswick County for the purposes of sale outside the State of North Carolina. Taking clams for out-of-State sale, Brunswick County, prohibited.

SEC. 4. Any person, firm or corporation violating the provisions of this Act shall be punished in the discretion of the court, and it shall be the duty of all law enforcement officers Punishment for violations.

Law enforcement.

of Brunswick County, in addition to officers of the North Carolina Fisheries Commission, to enforce the provisions of this Act.

Construction of Act.

SEC. 5. That the passage of any Statewide Act on this subject during the 1947 General Assembly shall not be construed to take precedence over this Public-Local Act and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 802 CHAPTER 1018

AN ACT TO ENABLE FARMERS WHO ARE PRODUCERS OF AGRICULTURAL COMMODITIES TO ACT JOINTLY WITH DEALERS AND PROCESSORS IN PROMOTING THE SALE, DISTRIBUTION AND CONSUMPTION OF SUCH NORTH CAROLINA FARM PRODUCTS.

Preamble:

Accomplishments of N. C. farmers.

WHEREAS, the farmers of North Carolina produce large quantities of agricultural products of the finest quality grown anywhere in the world, including peanuts, potatoes, peaches, apples, berries, vegetables and fruits of many kinds, as well as bulbs, flowers and other agricultural products having actual or potential markets throughout the United States and in other parts of the world; and

Public interest in promotion of domestic and foreign sale of farm products.

WHEREAS, it is in the public interest and likewise highly desirable from the standpoint of the agricultural economy of the State and the standard of living of those farmers engaged in the growing and producing of such agricultural products for commercial purposes that every reasonable effort should be made by cooperation, research, advertising and otherwise, to promote the domestic and foreign sale of such products; and

Quantity of production subject to increase if market expanded.

WHEREAS, the soil, climate and other factors of production in the State of North Carolina are such that these products could be produced in greatly increased quantities if the national and international market for the same could be amply expanded; and

Referenda to authorize funds for market promotion in public interest.

WHEREAS, it is desirable and in the public interest that growers of particular commodities for commercial purposes should be permitted and authorized by law to conduct referendums among their respective groups for the purpose of ascertaining the will of such producers with respect to levy-

ing moderate assessments in order to make available funds for the purposes herein set forth: *Now, therefore,*

The General Assembly of North Carolina do enact:

Declaration of policy as to promotion of use of, and markets for, farm products.

SECTION 1. It is declared to be in the interest of the public welfare that the North Carolina farmers who are producers of agricultural products, including peanuts, potatoes, peaches, apples, berries, vegetables and other fruits of all kinds, as well as bulbs and flowers and other agricultural products having a domestic or foreign market, shall be permitted and encouraged to act jointly and in cooperation with handlers, dealers and processors of such products in promoting and stimulating, by advertising and other methods, the increased use and sale, domestic and foreign, of any and all of such agricultural commodities. The provisions of this Act, however, shall not include the agricultural products of tobacco or cotton, with respect to which separate provisions and enactments have heretofore been made.

Tobacco and cotton excluded from coverage of Act.

Reference to Federal Agricultural Marketing Act of 1946.

SEC. 2. That the passage by the Seventy-ninth Congress of a law designated as Public Law 733, and more particularly Title II of that Act, cited as "Agricultural Marketing Act of 1946", makes it all the more important for producers, handlers, processors and others of specific agricultural commodities to associate themselves in action programs, separately and with public and private agencies, to obtain the greatest and most immediate benefits under the provisions of such law, in respect to research, studies and problems of marketing, transportation and distribution.

Associations, activity, etc., under Act, deemed not in restraint of trade.

SEC. 3. That no association, meeting or activity undertaken in pursuance of the provisions of this Act and intended to benefit all of the producers, handlers and processors of a particular commodity shall be deemed or considered illegal or in restraint of trade.

Declaration of policy as to referenda, assessments, etc. for promoting use and sale of farm products.

SEC. 4. It is hereby further declared to be in the public interest and highly advantageous to the agricultural economy of the State that farmers, producers and growers commercially producing the commodities herein referred to shall be permitted by referendum to be held among the respective groups and subject to the provisions of this Act, to levy upon themselves an assessment on such respective commodities or upon the acreage used in the production of the same and provide for the collection of the same, for the purpose of financing or contributing towards the financing of a program of advertising and other methods designed to increase the consumption of and the domestic as well as foreign markets for such agricultural products.

Provision for applications to Board of Agriculture for authorization of referendum.

SEC. 5. That any existing commission, council, board or other agency fairly representative of the growers and producers of any agricultural commodity herein referred to, and any such commission, council, board or other agency hereafter created for and fairly representative of the growers or producers of any such agricultural commodity herein referred to, may at any time after the passage and ratification of this Act make application to the Board of Agriculture of the State of North Carolina for certification and approval for the purpose of conducting a referendum among the growers or producers of such particular agricultural commodity, for commercial purposes, upon the question of levying an assessment under the provisions of this Act, collecting and utilizing the same for the purposes stated in such referendum.

Action by Board of Agriculture.

SEC. 6. That upon the filing with the Board of Agriculture of such application on the part of any commission, council, board or other agency, the said Board of Agriculture shall within thirty days thereafter meet and consider such application; and if upon such consideration the said Board of Agriculture shall find that the commission, council, board or other agency making such application is fairly representative of and has been duly chosen and delegated as representative of the growers producing such commodity, and shall otherwise find and determine that such application is in conformity with the provisions of this Act and the purposes herein stated, then and in such an event it shall be the duty of the Board of Agriculture to certify such commission, council, board or other agency as the duly delegated and authorized group or agency representative of the commericial growers and producers of such agricultural commodity, and shall likewise certify that such agency is duly authorized to conduct among the growers and producers of such commodity a referendum for the purposes herein stated.

Conduct of referendum among growers and producers on question of assessments.

SEC. 7. That upon being so certified by the said Board of Agriculture in the manner hereinbefore set forth, such commission, council, board or other agency shall thereupon be fully authorized and empowered to hold and conduct on the part of the producers and growers of such particular agricultural commodity a referendum on the question of whether or not such growers and producers shall levy upon themselves an assessment under and subject to and for the purposes stated in this Act. Such referendum may be conducted either on a State-wide or area basis.

Notice of referendum.

SEC. 8. That with respect to any referendum conducted under the provisions of this Act, the duly certified commission, council, board or other agency shall, before calling and announcing such referendum, fix, determine and publicly announce at least sixty days before the date determined upon for such referendum, the date, hours and polling places for voting in such referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected if authorized by the growers, and the general purposes to which said amount so collected shall be applied; that no annual assessment levied under the provisions of this Act shall exceed one-half of one per cent of the value of the year's production of such agricultural commodity grown by any farmer, producer or grower included in the group to which such referendum is submitted.

Statement of amount, basis, and purpose of assessment.

Maximum assessment.

Management of referendum.

SEC. 9. That the arrangements for and management of any referendum conducted under the provisions of this Act shall be under the direction of the commission, council, board or other agency duly certified and authorized to conduct the same, and any and all expenses in connection therewith shall be borne by such commission, council, board or other agency.

Expenses.

Basis of referendum.

SEC. 10. Any referendum conducted under the provisions of this Act may be held either on an area or State-wise basis, as may be determined by the certified agency before such referendum is called; and such referendum, either on an area or State-wide basis, may be participated in by all farmers engaged in the production of such agricultural commodity on a commercial basis, including owners of farms on which such commodity is produced, tenants and share-croppers. In such referendum, such individuals so eligible for participation shall vote upon the question of whether or not there shall be levied an annual assessment for a period of three years in the amount set forth in the call for such referendum on the agricultural product covered by such referendum.

Eligibility for participation.

Question submitted.

Effect of more than one-third vote against assessment.

SEC. 11. That if in such referendum with respect to any agricultural commodity herein referred to more than one-third of the farmers and producers in the area in which such referendum is conducted, eligible to participate and voting therein shall vote in the negative and against the levying or collection of such assessment, then in such an event no assessment shall be levied or collected.

Effect of two-thirds vote for assessment.

SEC. 12. That if in such referendum called under the provisions of this Act two-thirds or more of the farmers or producers in the area in which such referendum is conducted, eligible to participate and voting therein shall vote in the

affirmative and in favor of the levying and collection of such assessment proposed in such referendum on the agricultural commodity covered thereby, then such assessment shall be collected in the manner determined and announced by the agency conducting such referendum.

Establishment of regulations as to referenda.

SEC. 13. That the hours, voting places, rules and regulations and the area within which such referendum herein authorized with respect to any of the agricultural commodities herein referred to shall be established and determined by the agency of the commercial growers and producers of such agricultural commodity duly certified by the Board of Agriculture as hereinbefore provided; that the said referendum date, area, hours, voting places, rules and regulations with respect to the holding of such referendum shall be published by such agency conducting the same through the medium of the public press in the State of North Carolina at least sixty days before the holding of such referendum, and that direct written notice thereof shall likewise be given to all farm organizations within the State of North Carolina and to each county agent in any county in which such agricultural product is grown. That such notice shall likewise contain a statement of the amount of annual assessment proposed to be levied—which assessment in any event shall not exceed one-half of one per cent of the value of the year's production of such agricultural commodity grown by any farmer, producer or grower included in the group to which such referendum is submitted—and shall likewise state the method by which such assessment shall be collected and how the proceeds thereof shall be administered and the purposes to which the same shall be applied, which purposes shall be in keeping with the provisions of this Act.

Publication of regulations.

Direct notice to farm organizations, county agents.

Contents of notice.

Preparation and distribution of ballots.

SEC 14. That the duly certified agency of the producers of any agricultural product among whom a referendum shall be conducted under the provisions of this Act shall likewise prepare and distribute in advance of such referendum all necessary ballots for the purposes thereof, and shall, under rules and regulations promulgated by said agency, arrange for the necessary poll holders for conducting the said referendum; and that following such referendum and within ten days thereafter the said agency shall canvass and publicly declare the results of such referendum.

Arrangements for holding referendum.

Declaration of results.

Collection of assessments.

SEC. 15. That in the event two-thirds or more of the farmers eligible for participation in such referendum and voting therein shall vote in favor of such assessment, then the said assessment shall be collected annually for the three years set forth in the call for such referendum, and the collection of such assessment shall be under such method, rules and regulations as may be determined by the agency conducting the same; and the said assessment so collected shall be paid into the treasury of the agency conducting such referendum, to be used together with other funds from other sources, including donations from individuals, concerns or corporations, and grants from State or governmental agencies, for the purpose of promoting and stimulating, by advertising and other methods, the increased use and sale, domestic and foreign, of the agricultural commodity covered by such referendum.

Custody and use of funds.

Provision for subsequent referendum.

SEC. 16. That in the event such referendum so to be conducted as herein provided shall not be supported by two-thirds or more of those eligible for participation therein and voting therein, then the duly certified agency conducting the said referendum shall have full power and authority to call another referendum for the purposes herein set forth in the next succeeding year, on the question of an annual assessment for three years.

Referendum as to continuance of assessments approved at prior referendum.

SEC. 17. That in the event such referendum is carried by the votes of two-thirds or more of the eligible farmers participating therein and assessments in pursuance thereof are levied annually for the three years set forth in the call for such referendum, then the agency conducting such referendum shall in its discretion have full power and authority to call and conduct during the third year of such period another referendum in which the farmers and producers of such agricultural commodity shall vote upon the question of whether or not such assessments shall be continued for the next ensuing three years.

Rights of farmers dissatisfied with assessments and results.

SEC. 18. That in the event such referendum is carried in the affirmative and the assessment is levied and collected as provided herein and under the regulations to be promulgated by the duly certified agency conducting the same, any farmer or producer upon and against whom such annual assessment shall have been levied and collected under the provisions of this Act, if dissatisfied with said assessment and the results thereof, shall have the right to demand of and receive from the treasurer of said agency a refund of such annual assessment so collected from such farmer or producer, *provided* such demand for refund is made in writing within thirty days from the date on which said assessment is collected from such farmer or producer.

Limitation of time for demanding refund.

Publication of financial statement by treasurer of agency.

SEC. 19. That in event of the levying and collection of assessments as herein provided, the treasurer of the agency conducting same shall within thirty days after the end of any calendar year in which such assessments are collected, publish through the medium of the press of the State a statement of the amount or amounts so received and collected by him under the provisions of this Act. Before collecting and receiving such assessments, such treasurer shall give a bond in the amount of at least the estimated total of such assessments as will be collected, such bond to have as surety thereon a surety company licensed to do business in the State of North Carolina, and to be in the form and amount approved by the agency conducting such referendum and to be filed with the chairman or executive head of such agency.

Bond required of treasurer.

Conflicting laws repealed.

SEC. 20. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 21. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 866 CHAPTER 1019

AN ACT TO AMEND THE MOTOR VEHICLE LAW SO AS TO SIMPLIFY AND EXPEDITE THE ISSUANCE OF LICENSE PLATES FOR AUTOMOBILES AND TAXICABS.

Preamble:

Present license fee for passenger automobiles.

WHEREAS, passenger automobiles now pay a license fee based on thirty-five cents (35c) per hundred pounds, which weight is based on manufacturer's certification, and

Variety of automobile models.

WHEREAS, the manufacturers are now producing many different models of the same make automobile, some of which have models falling into as many as 107 styles and 18 different rates, and

People not familiar with models.

WHEREAS, the majority of people are not familiar with the models of automobiles other than the body style, and

Insufficiency of information on license applications.

WHEREAS, numerous people make application for license and are prevented from operating because their application does not give sufficient information by which the vehicle may be rated, and

Loss of revenue by State.

WHEREAS, the State is now losing considerable revenue in gasoline tax by reason of such individuals being forced to hold up operation pending the furnishing of correct information for license, and

WHEREAS, the State also loses revenue in license fees when application for license is made in months previous to April 1st, July 1st, and October 1st, the time when license fees are reduced, and said application is held up until after the 1st of following month due to lack of information, and

Further loss of revenue during certain months.

WHEREAS, the manufacturers are now very slow in notifying Department as to weights when they change the year models, thereby often preventing people from getting license for indefinite periods, and

Delay in information from manufacturers.

WHEREAS, it would be most convenient for the public and all concerned to simplify the rating of automobiles and taxicabs for license fees, and

Simplified ratings of automobiles desirable.

WHEREAS, ten states now have a definite flat fee and several others have only two differentials, and

Experience of other States.

WHEREAS, approximately 75% of the automobiles now fall within fee of $9.00 to $11.00, and

Statistics.

WHEREAS, the revenue received from issuance of automobile licenses would not be materially affected by classifying automobiles in three classes, and

Effect of reclassification of automobiles.

WHEREAS, $60.00 is the average license fee now paid for taxicabs, *Now therefore,*

Average license fee for taxicabs.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 20-87(b) of the General Statutes be amended by striking out the words and figures "$1.90 per hundred pounds weight of each vehicle", and inserting in lieu thereof the following:

G. S. § 20-87 (b), amended.

$60.00 per year for each vehicle of nine passenger capacity or less, and vehicles of over nine passenger capacity shall be classified as busses and shall pay $1.90 per hundred pounds empty weight of each vehicle.

Registration fees, U-Drive-It passenger vehicles.

SEC 2. That Section 20-87(c) of the General Statutes be amended by striking out the words and figures "For-Hire passenger vehicles shall be taxed at the rate of $1.90 per hundred pounds of weight", in lines 1, 2, and 3 of said Section, and inserting in lieu thereof the following:

G. S. § 20-87 (c), amended.

For Hire passenger vehicles shall be taxed at the rate of $60.00 per year for each vehicle of nine passenger capacity or less and vehicles of over nine passenger capacity shall be classified as busses and shall be taxed at rate of $1.90 per hundred pounds of empty weight per year for each vehicle.

Registration fees, For Hire passenger vehicles.

G. S. § 20-87 (e), amended.

SEC. 3. That Section 20-87(e) of the General Statutes be rewritten to read as follows:

Registration and license fees, private passenger vehicles.

Private Passenger Vehicles. There shall be paid to the department annually, as of the first day of January, for the registration and licensing of private passenger vehicles, fees according to the following classifications and schedules:

Vehicles weighing 3500 pounds or less $10.00
Vehicles weighing 3501 pounds to 4500 pounds $12.00
Vehicles weighing 4501 pounds and over $15.00

Determination of weight when models of same make fall in two or more classes.

provided, where there are models of the same make automobile that fall within two or more of the above classes, the average weight based on the 1946 and immediate four prior years models shall be ascertained and all models of that make automobile shall be taxed according to the schedule provided above in which the average weight falls. In event there are any make automobiles in operation with models falling into two or more of the above classes that did not manufacture any models in 1946, the average weight based on the last five years in which said make automobile was manufactured, shall be ascertained and all models of that make automobile shall be taxed according to the schedule provided above in which the average falls. *Provided further,* where new make automobiles are produced after 1946 which has models falling into two or more of the above classes, the average weight shall be ascertained and all models of that make automobile shall be taxed according to the schedule provided above in which the average weight falls.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. That the provisions of this Act shall be in full force and effect from and after the date 1948 license plates go on sale.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 888 CHAPTER 1020

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF NORLINA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Continuance of Town of Norlina as municipal corporation.

SECTION 1. Incorporation and Corporate Powers. The inhabitants of the Town of Norlina, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body public and corporate by name of the

Town of Norlina, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Norlina shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Norlina by this Section: General powers. Enumeration of specific powers.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general laws; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act, the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

SEC. 2. Enumerated Powers not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Norlina shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether ex- Enumerated powers not exclusive.

presssed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Corporate limits.

SEC. 3. Corporate limits. The corporate limits of the town shall be as follows: Beginning at the depot of the Seaboard Air Line Railroad as center, and running thence four straight lines north, east, south, and west, respectively, each one-half mile long, and the corporate limits of said town be confined within a square included within four lines running at right angles to said lines and extending each way until they intersect each other respectively.

Corporate powers vested in Mayor and Commissioners.

Terms.

Vacancies filled.

Compensation.

Eligibility.

Forfeiture of office.

SEC. 4. Creation, Salary and Compensation of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner herinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified. If a vacancy occurs in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Meetings of Board of Commissioners.

Notice of special meeting.

Opportunity of citizens to be heard.

SEC. 5. Meetings of Board of Commissioners. At seven-thirty p.m. o'clock on the first Monday following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or

a committee thereof may, by a majority vote of all the members, authorize an executive meeting.

Selection of Mayor Pro-Tem.

SEC. 6. Mayor and Mayor Pro Tempore. At its first meeting following a regular municipal election, the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tempore. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence of disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Powers and duties of Mayor.

Power of Board to determine election and qualifications of own members.

SEC. 7. Board of Commissioners' Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than two members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charges against him and given an opportunity to be heard in his own defense.

Rules and order of business.

Control of Board over its members.

Quorum.

SEC. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time to compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Majority vote necessary for action by Board.

Excuse from voting.

Ordinances and resolutions.

SEC. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Norlina."

Effective date of ordinances and resolutions.

SEC. 10. When Ordinances and Resolutions take Effect; Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency by the board of commissioners except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Emergency measure defined.

Restrictions concerning passage of emergency measures.

Authentication and publication of ordinances and resolutions.

SEC. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage a notice of such ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

Municipal elections.

SEC. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may, by resolution, order a special election, fix the time for holding

the same, and provide all means for holding such special election.

Regulation of elections.

SEC. 13. Regulations of Elections. The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Nominations.

SEC. 14. Nominations. Any qualified elector of the town may be nominated for mayor or the board of commissioners by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the place of residence of the signer giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than ninety days nor later than thirty days before the election and shall be in the following form:

Nominating petitions; filing time.

Form of nominating petition.

We, the undersigned five electors of the Town of Norlina hereby nominate and sponsor..... whose residence is .....for the office of....., to be voted for at the election to be held on the.....day of....., and we individually certify that we are qualified to vote for a candidate for.....and that we have not signed any other nominating petition therefor.

Name.....Street and Number.....

(Spaces for four more signatures)

I hereby accept the nomination for..... and agree to serve if elected.

Signature of candidate.....

Date of filing.....

This petition is filed by.....whose address is .....Street.

Withdrawal of candidates.

Notice as to sufficiency of petition.

Effect of insufficiency of petition.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition, the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient, the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found

insufficient. Within the regular time for filing petitions, a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of commissioners shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

Preservation of nominating petitions.

Alternative method of nominations.

Provided, however, that in lieu of following the above requirements as to the nomination of the municipal officials, the governing body of the town may continue to nominate the candidates for municipal office by mass convention and filing the names of those named in such convention with the city clerk not less than thirty days before the general municipal election.

Ballots.

SEC. 15. Ballots. The full names of candidates nominated for mayor or the board of commissioners in accordance with the provisions of this charter, except as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order, it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Election of Mayor and Commissioners.

SEC. 16. Election of Mayor and Board of Commissioners. The mayor and board of commissioners shall be elected at large. All candidates in each instance up to the number to be elected who receive the highest number of votes shall be declared elected.

Appointment of officers and emloyees.

SEC. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary: *Provided,* that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Town Clerk.

SEC. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

SEC. 19. Duties of Town Attorney. The town attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners, to give advice in writing, when so requested, to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may, by ordinance, require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law. Duties of Town Attorney.

SEC. 20. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town. Duties of Town Tax Collector.

SEC. 21. Duties of Town Treasurer. The town treasurer, if any, shall have custody of and shall disburse all money belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange. Duties of Town Treasurer.

SEC. 22. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities. Issuance of bonds.

SEC. 23. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual Purchase procedure.

services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Contracts for town improvements.

SEC. 24. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, *provided* the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Contracts extending beyond one year.

SEC. 25. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of commissioners.

Independent audit.

SEC. 26. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirements of this Section.

Records open to public inspection.

SEC. 27. Publicity of Records. All records and accounts of every officer and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and

documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Restrictions against town officials and employees as to personal interest in transactions.

SEC. 28. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies, or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Penalty and effect of violation of Section.

Oath of office.

SEC. 29. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

Form of oath.

I solemnly swear (or affirm) that I will support the Constitution and obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Norlina and will faithfully discharge the duties of the office of.....

Continuance of contracts.

SEC. 30. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Partial invalidity provision.

SEC. 31. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supercede all laws and ordinances not consistent herewith, in so far as the Town of Norlina is affected thereby.

Conflicting laws repealed.

SEC. 32. Repealing Clause. That all laws and clauses of laws inconsistent with this Act are hereby repealed.

Effective date.

SEC. 33. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 899 CHAPTER 1021

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF RECORDERS' COURTS IN CITIES OF MORE THAN TWENTY THOUSAND POPULATION WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

G. S. § 7-256, amended.

SECTION 1. Section 7-256 of the General Statutes is amended by striking out all of said Section after the word "article" in line 3 and inserting in lieu thereof the following:

Establishment of certain municipal recorder's courts, without vote of people.

except the governing body of any municipality having an estimated population of more than twenty thousand (20,000) on the first day of January, 1945, may establish muncipal recorders' courts and/or the Board of County Commissioners of any county may establish county recorders' courts without a vote of the people.

G. S. § 7-264, amended; law requiring election for creating recorder's court, not applicable to Alamance County.

SEC. 2. Section 7-264 of the General Statutes is amended by adding after the word "Orange" and before the word "counties" in line 3 the word "Alamance."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 909 CHAPTER 1022

AN ACT TO AMEND GENERAL STATUTES 156-88, RELATING TO DRAINAGE ACROSS PUBLIC OR PRIVATE WAYS, STATING DUTY OF STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

G. S. § 156-88, amended.

SECTION 1. Section 156-88 of the General Statutes is hereby amended by rewriting said Section so as to read as follows:

SEC. 156-88. Drainage Across Public or Private Ways.

Drainage across public or private ways.

Where any public ditch, drain or water-course established under the provisions of this Subchapter crosses or, in the opinion of the board of viewers, should cross a public highway under the supervision of the State Highway and Public Works Commission the actual cost of constructing the same across the highway shall be paid for from the funds of the drainage district, and it shall be the duty of the Commission, upon notice from the court, to show cause why it should not be required to repair or remove any old bridge and/or build any new bridge to provide the minimum drainage space determined by the court; whereupon the court shall hear all evidence pertaining thereto and shall determine whether the Commission shall be required to do such work, and whether at its own expense or whether the cost thereof should be prorated between the Commission and the drainage district. Either party shall have the right of appeal from the Clerk to the Superior Court and thence to the Supreme Court, and should the court be of the opinion that the cost should be prorated then the percentage apportioned to each shall be determined by a jury.

Payment of construction costs.

Determination of agency required to repair, remove, or construct bridge.

Question of payment of cost.

Appeal to Supreme Court.

Repair, removal, or construction of bridge by Highway Commission.

Whenever the Commission is required to repair or remove any old bridge and/or build any new bridge as hereinbefore provided, the same may be done in such manner and according to such specifications as it deems best, and no assessment shall be charged the Commission for any benefits to the highway affected by the drain under the same, and such bridge shall thereafter be maintained by and at the expense of the Commission.

When construction costs paid from drainage district funds.

Where any public ditch, drain, or water-course established under the provisions of this Subchapter crosses a public highway or road, not under the supervision of the State Highway and Public Works Commission, the actual cost of constructing the same across the highway or removing old bridges or buildings news ones shall be paid for from the funds of the drainage district. Whenever any highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district it shall be the duty of the viewers appointed to classify the land, to give in their report the amount of benefit to such highway, and notice shall be given by the Clerk of the Superior Court to the commissioners of the county where the road is located, of the amount of such assessment, and the county commissioners shall have the right to appear before the court and file objections, the same as any landowner. When it shall become necessary for the drainage commissioners to repair any bridge or construct a new bridge across a public highway or road not

Report on benefits to highway from construction of improvements.

Rights of county commissioners to file objections.

Maintenance of bridge across highway not under State supervision.

under the supervision of the State Highway and Public Works Commission, by reason of enlarging any water-course, or of excavating any canal intersecting such highway, such bridge shall thereafter be maintained by and at the expense of the official board of authority which by law is required to maintain such highway so intersected.

Payment of costs of bridge over canal intersecting private road.

Where any public canal established under the provisions of the general drainage law shall intersect any private road or cartway the actual cost of constructing a bridge across such canal at such intersection shall be paid for from the funds of the drainage district and constructed under the supervision of the board of drainage commissioners, but the bridge shall thereafter be maintained by and at the expense of the owners of the land exercising the use and control of the private road; *Provided,* if the private road shall be converted into a public highway the maintenance of the bridge shall devolve upon the State Highway and Public Works Commission or such other authority as by law shall be required to maintain public highway and bridges.

Maintenance.

Effect of conversion of road into public highway.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 927 CHAPTER 1023

AN ACT TO AMEND SECTION 57-12 AND SECTION 105-228.7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE LICENSE AND EXAMINATION FEES REQUIRED OF AGENTS, BROKERS, AND ADJUSTERS OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

G. S. § 57-12, amended, as to licensing of hospital service corporation agents.

SECTION 1. That Section 57-12 of the General Statutes of North Carolina be and the same is hereby amended by striking out in lines thirty-three and thirty-four the words "Subsection three of Section 105-121" and inserting in lieu thereof Section 105-228.7.

G. S. § 105-228.7. Amended.

SEC. 2. That Section 105-228.7 of the General Statutes of North Carolina be and the same is hereby amended by striking out the first two paragraphs and inserting in lieu thereof the following:

Each and every manager, organizer, adjuster, broker, or agent of whatever kind representing in this State any company referred to in this Article, shall on or before the first day of April of each year apply for and obtain from the Commissioner of Insurance an annual certificate of registration, or license, and shall pay for said certificate an annual fee for each company represented in the State at the following rates, with no additional fee for affixing of seal to the certificate: Registration fees for agents, adjusters, etc., of insurance companies.

Schedule.

Insurance Agent (Local)	$2.50
Insurance Broker	$2.50
General Agent or Manager	$ 6.00
Special Agent or Organizer	$ 5.00
Insurance Adjuster	$ 3.00
Non-Resident Broker	$10.00

In cases where temporary license may be issued pursuant to law the fee for a temporary certificate shall be at the same rates as above specified, and any amounts so paid for temporary license may be credited against the fees required for issuance of the annual license or certificate. Fees for temporary licenses.

Any person not registered who is required by law to pass examination as a condition for securing of license shall upon application for registration pay to the Commissioner of Insurance an examination fee of ten dollars ($10.00), and in case more than two examinations in any one kind of insurance are requested, an additional fee of ten dollars ($10.00) shall be paid for each added examination above two for the same kind of insurance. The requirement for examination and examination fee shall not apply to agents for domestic farmers' mutual assessment fire insurance companies or associations specified in Section 105-228.4. Examination fee.

Exemption from examination and fee.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect on and after July 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 939 CHAPTER 1024

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO BARBERS SO AS TO MAKE PROVISION FOR THE EXAMINATION AND CERTIFICATION OF PERSONS ATTENDING BARBER SCHOOLS IN OTHER STATES.

The General Assembly of North Carolina do enact:

G. S. § 86-12, amended.

SECTION 1. Section 86-12 of the General Statutes is hereby amended by adding thereto a Subsection as follows:

Eligibility of graduates of certain out-of-State barber schools, for registration as registered barber or apprentice.

Any person who has graduated from a barber school in any other state having substantially the same standards as are required of barber schools in this State and who is otherwise qualified as required by this chapter, shall be allowed, upon making the application and paying the fee required by this chapter, to take the examination for a certificate of registration as a registered barber or as a registered apprentice, as the case may be. And the state board of barber examiners shall issue a proper certificate to each such person who passes such examination. When any such person makes application for permission to take an examination, it shall be the duty of the state board of barber examiners to ascertain and determine whether the barber school from which such person has graduated has substantially the same standards as are required of barber schools in this State.

Determination of standards of out-of-State school.

SEC. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 946 CHAPTER 1025

AN ACT TO PROVIDE FOR THE CARRYING OF INSURANCE AND FOR SAFETY INSPECTION AND REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR COMPENSATION.

The General Assembly of North Carolina do enact:

Regulation of transportation of persons for compensation; insurance and approval of equipment.

SECTION 1. No person, firm, partnership, or corporation, or the agent of either, shall transport persons for compensation in the State of North Carolina without having first filed with the North Carolina Utilities Commission such insurance as said Commission may require, nor use any equipment in such transportation as has not been approved by the said Commission for use in the transportation of persons.

Certificate as to insurance, etc., prerequisite to issuance of motor vehicle license.

SEC. 2. The Motor Vehicle Department shall not issue any license for use upon any motor vehicle for the transportation of persons for compensation until it shall have received from

the North Carolina Utilities Commission a certificate that there has been filed with said Commission such insurance as it may require, and that the equipment to be used is safe for the transportation of persons for compensation. When any license shall have been issued by the Motor Vehicle Department, and the required insurance shall not then be effective, or the Commission shall have found that the equipment being used is unsafe for the transportation of persons for compensation, upon certificate from the North Carolina Utilities Commission, the license shall be cancelled by the Motor Vehicle Department.

Provision for cancellation of license.

SEC. 3. This Act shall not apply to motor vehicle carriers regulated under Article 6, Chapter 62, General Statutes of North Carolina, nor to taxi cabs, nor to motor vehicles used exclusively in the transportation of bona fide employees of an industrial plant to and from the places of their regular employment.

Application of Act.

SEC. 4. The North Carolina Utilities Commission shall charge a fee of One Dollar ($1.00) for each vehicle certified to the Motor Vehicle Department under the provisions of this Act.

Fee chargeable by Utilities Commission for certificate.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 958 **CHAPTER 1026**

AN ACT TO AMEND THE MACHINERY ACT FOR THE PURPOSE OF CLASSIFYING CERTAIN AGRICULTURAL PRODUCTS IN STORAGE FOR PURPOSES OF TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 105, Subchapter II, Article 15, of the General Statutes of North Carolina of 1943 is hereby amended by adding a new Section immediately following Section 105-294 as follows:

G. S., Ch. 105, Subchapter II, Art. 15, amended.

Section 105-294.1. Agricultural Products in Storage. If the board of county commissioners of any county shall determine as a fact that any agricultural product is held in said county

Machinery Act amended as to taxation of agricultural products in storage.

by any manufacturer or processor for manufacturing or processing, which agricultural product is of such nature as customarily to require storage and processing for periods of more than one year in order to age or condition such product for manufacture, and if such determination is entered on the minutes of such board on or before March 31st in any year, such agricultural product shall be taxed in that year uniformly as a class at sixty per cent (60%) of the rate levied for all purposes upon real estate and other tangible personal property by or for said county and/or the city, town, or special district in which such agricultural products are listed for taxation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 971 CHAPTER 1027

AN ACT TO AMEND SECTION 44-49 OF THE GENERAL STATUTES RELATING TO LIENS UPON RECOVERIES FOR PERSONAL INJURIES TO SECURE SUMS DUE FOR MEDICAL ATTENTION.

The General Assembly of North Carolina do enact:

G. S. § 44-49, amended, as to liens against recovery in personal injury suit, for medical attention.

SECTION 1. Section 44-49 of the General Statutes is hereby amended by adding the following new paragraphs at the end of said Section, to read as follows:

Limitation of time for filing claims in future actions.

Notwithstanding the provisions of paragraph 1 of this Section, no lien therein provided for shall be valid with respect to any claims arising with respect to any future actions unless the person or corporation entitled to the lien therein provided for shall file a claim with the clerk of the court in which said civil action is instituted within 30 days after the institution of such action.

Limitation of time for filing claims in pending actions.

No liens of the character provided for in the first paragraph of this Section shall hereafter be valid with respect to money that may be recovered in any pending civil actions in this State unless claims based on such liens are filed with the clerk of the court in which the action is pending within 90 days after the ratification of this Act.

No action shall lie against any clerk of court or any surety on any clerk's bond to recover any claims based upon any lien or liens created by the first paragraph of this Section when recovery has heretofore been had by the person injured, and no claims against such recovery were filed with the clerk by any person or corporation, and the clerk has otherwise disbursed according to law the money recovered in such action for personal injuries. Liability of Clerk of Court.

SEC. 2. Nothing in this Act shall be construed as affecting Section 44-50 and Section 44-51 of the General Statutes of North Carolina, except to fix the time within which such claims must be filed. Effect of Act on G. S. §§ 44-50 and 44-51.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 980 **CHAPTER 1028**

AN ACT TO AMEND ARTICLE 4, SUBCHAPTER II OF CHAPTER 14 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SUBVERSIVE ACTIVITIES IN THIS STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That Article 4, Subchapter II of Chapter 14 of the General Statutes of North Carolina be, and the same is hereby, amended by adding a new Section to follow Section 14-12, to be numbered Section 14-12.1, to read as follows: G. S., Ch. 14, Subchapter II, Article 4, amended.

14-12.1. It shall be unlawful for any person to: Certain subversive activities made unlawful.

1. By word of mouth or writing advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning the Government of the United States or a political subdivision of the United States by force or violence; or,

2. Print, publish, edit, issue or knowingly circulate, sell, distribute or publicly display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that the Government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means; or,

3. Organize or help to organize or become a member of or voluntarily assemble with any society, group or assembly of persons formed to teach or advocate the doctrine that the Government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means.

Violations made felony.

Any person violating the provisions of this Act shall be guilty of a felony and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Assembly for subversive purposes, prohibited.

Whenever two or more persons assemble for the purpose of advocating or teaching the doctrine that the Government of the United States or a political subdivision of the United States should be overthrown by force, violence or any unlawful means, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or investigation,

Violations made felony.

shall be guilty of a felony and punishable by a fine or imprisonment, or both, in the discretion of the court.

Editor, proprietor, etc., of book, newspaper, etc., chargeable with matter published.

Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the

Defense.

defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him as soon as known.

Employment of subversive persons by State departments, etc., prohibited.

No person shall be employed by any department, bureau, institution, or agency of the State of North Carolina who has participated in any of the activities described in this Section, and any person now employed by any department, bureau, institution, or agency and who has been or is engaged in any

Discharge of subversive employees.

of the activities described in this Section shall be forthwith discharged. Evidence satisfactory to the head of such department, bureau, institution, or agency of the State shall be sufficient for refusal to employ any person or cause for discharge

Evidence sufficient for refusal to employ or for discharge.

of any employee for the reasons set forth in this paragraph.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 983 **CHAPTER 1029**

AN ACT TO PROVIDE REASONABLE EQUALITY OF HOUSING OPPORTUNITY FOR VETERANS OF WORLD WAR II DURING THE PERIOD OF SHORTAGE IN HOUSING FACILITIES BY EXTENDING VETERANS' RIGHTS OF OCCUPANCY.

Preamble:

WHEREAS, there exists in this State and Nation an acute shortage of housing facilities; and

Shortage of housing facilities.

WHEREAS, veterans of World War II are at a greater disadvantage as a result of this shortage than the majority of other persons due to the fact that during the time this shortage came about, many veterans were in the armed service and unable to acquire homes or make arrangements to assure themselves of places to live upon separation or discharge from the service: *Now, therefore,*

Disadvantages to World War II veterans.

The General Assembly of North Carolina do enact:

SECTION 1. Any veteran of World War II or his immediate family against whom eviction from living quarters is sought is hereby granted the privilege of remaining in possession of such quarters for a period of ninety (90) days longer than he or his immediate family would be allowed to so remain under other State or Federal law and rules and regulations pursuant thereto applicable at the time action for eviction is begun: *Provided,* that the provisions of this Section shall not apply (1) in favor of a veteran if he has sold the living quarters in question and he or his immediate family refuses to vacate upon transfer of title or on the date he contracted in writing to vacate, whichever may be the later, or (2) in favor of any veteran or the immediate family of any veteran who is subject to immediate eviction under State or Federal law and rules and regulations pursuant thereto on account of unlawful or offensive use of the premises, or on account of default in payment of the rental; or (3) in any case in which it may be found as a fact by the court that the eviction is sought by the owner of the premises in good faith and for the purpose of personally occupying such premises as his own dwelling.

Veterans of World War II granted additional occupancy privilege, when eviction from living quarters sought.

Exceptions.

SEC. 2. Any veteran of World War II who buys living quarters shall be allowed possession of the same for himself or his immediate family as soon as possible under State or Federal law and rules and regulations pursuant thereto applicable at the time possession is sought, and in the event the person in possession is another veteran or his immediate family, the provisions of Section 1 of this Act shall not apply in favor of the possessor. If any veteran of World War II, having bought living quarters, gives written notice to occupants of

Right of veteran to possession of quarters purchased.

Right of veteran to damages for refusal of occupant to surrender possession.

the same to vacate and there is a failure to vacate until after the expiration of time allowed under State and Federal law and rules and regulations pursuant thereto, and if such veteran seeking possession for himself or his immediate family commences suit in any court for such possession, then he shall be entitled to recover from the defendant such actual damages as he may have suffered as the direct and proximate result of defendant's refusal to surrender possession during the period commencing with the earliest date when the veteran plaintiff became entitled to possession, according to the court's adjudication, until the date the premises are actually vacated by defendant. Such actual damages shall include reimbursement for reasonable attorneys' fees in such an amount as the court shall in its discretion determine and allow, which shall be recoverable as costs of court in the same manner as provided for in certain other actions by Section 6-21 of the General Statutes.

Attorneys' fees included as part of damages.

Act not applicable to veteran dishonorably discharged.

SEC. 3. The provisions of this Act shall not apply in favor of any veteran who was dishonorably discharged.

Effective period of Act.

SEC. 4. The provisions of this Act shall expire four years from the effective date thereof or at such earlier date as the General Assembly of 1949 may determine that the emergency condition of the housing shortage no longer exists.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 996 CHAPTER 1030

AN ACT PROVIDING FOR THE ALLOCATION TO TOWNS IN ONSLOW COUNTY OF PARTS OF THE PROFITS OF COUNTY ALCOHOLIC BEVERAGES CONTROL STORES.

The General Assembly of North Carolina do enact:

Allocation of portion of net profits from A. B. C. stores, Onslow County, to certain municipalities of county.

SECTION 1. That there shall be annually allocated by the Alcoholic Beverages Control Board of Onslow County, from the net profits derived from the operation of alcoholic beverages control stores in said county, the following percentages of said net profits to the following named municipalities of said county: To Jacksonville, 12.11%; to Richlands, 6.49%; to Swansboro, 4.12%; to Holly Ridge, 2.28%. In the event

any alcoholic beverages control store is hereafter located in any town of said county in which such store is not now operated, in lieu of the percentages provided hereinbefore, the net profits to be allocated to such town in which such store is located shall be 12.11% of such net profits: *Provided*, that nothing in this Section shall prevent Onslow County Hospital from first receiving ten per cent (10%) of said net profits as allocated to said hospital under the provisions of Chapter 32 of the Session Laws of 1945.

Effect of Act on allocations to Onslow County Hospital.

SEC. 2. That if any municipality is hereafter created in Onslow County, such municipality, when created, shall be allotted from the said net profits of said stores 2.28% thereof, such percentage to be increased as hereinbefore provided in the event of the location in said town of one of such stores: *Provided*, that nothing in this Section shall prevent Onslow County Hospital from first receiving ten per cent (10%) of said net profits as allocated to said hospital under the provisions of Chapter 32 of the Session Laws of 1945.

Allocation of A. B. C. store profits to municipalities later created.

Effect upon allocations to Onslow County Hospital.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 999 CHAPTER 1031

AN ACT TO DECLARE THE EASTERN TERRITORIAL BOUNDARY OF THE STATE OF NORTH CAROLINA TO BE LOCATED AT A DISTANCE OF ONE MARINE LEAGUE FROM THE LOW WATER MARK OF THE SEASHORE ON THE ATLANTIC OCEAN, AND AUTHORIZING THE PROTECTION OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. The Constitution of the State of North Carolina, adopted in 1868, having provided in Article I, Section 31, that the "limits and boundaries of the State shall be and remain as they now are," and the eastern limit and boundary of the State of North Carolina on the Atlantic seaboard having always been, since the Treaty of Peace with Great Britain in 1783 and the Declaration of Independence of July 4th, 1776, one marine league eastward from the Atlantic seashore, measured from the extreme low water mark, the eastern boundary of

Declaration of eastern boundary of State of North Carolina.

the State of North Carolina is hereby declared to be fixed as it has always been at one marine league eastward from the seashore of the Atlantic Ocean bordering the State of North Carolina, measured from the extreme low water mark of the Atlantic Ocean seashore aforesaid.

Continuance of State jurisdiction over territory within littoral waters and lands under same within boundaries.

SEC. 2. The State of North Carolina shall continue as it always has to exercise jurisdiction over the territory within the littoral waters and ownership of the lands under the same within the boundaries of the State, subject only to the jurisdiction of the Federal Government over navigation within such territorial waters.

Governor and Attorney General directed to defend State jurisdiction.

SEC. 3. The Governor and the Attorney General are hereby directed to take all such action as may be found appropriate to defend the jurisdiction of the State over its littoral waters and the ownership of the lands beneath the same.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this this the 5th day of April, 1947.

H. B. 1008 CHAPTER 1032

AN ACT TO AMEND SECTION 20-130.1 OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943, RELATING TO THE DISPLAY OF RED LIGHTS UPON MOTOR VEHICLES IN THIS STATE.

The General Assembly of North Carolina do enact:

G. S. § 20-130.1, amended.

SECTION 1. That Section 20-130.1 of the General Statutes of North Carolina, 1943, be amended by striking out the last sentence of said Section, and substituting in lieu thereof the following:

Exemption of certain vehicles from prohibition against use of red lights on front of vehicles.

The provisions of this Section shall not apply to police cars, highway patrol cars, ambulances, wreckers, fire-fighting vehicles or vehicles of a voluntary lifesaving organization that have been officially approved by the local police authorities and manned or operated by members of such organization while on official call or to such lights as may be prescribed by the Interstate Commerce Commission.

SEC. 2. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1009 CHAPTER 1033

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Ch. 366, Public-Local Laws, 1939, charter of City of Charlotte, amended.

SECTION 1. That Chapter 366 of the Public-Local Laws of North Carolina for 1939 as heretofore amended, be, and the same hereby is, amended as follows:

Voting by mayor pro tempore.

(a) In Section 28 entitled "Meeting of the Council" in the 15th line, after "preside", insert:

and shall only vote when so presiding as herein provided for the mayor.

(b) Further amend Section 28 by striking out the sentence reading "All final votes of the City Council involving the expenditure of one hundred dollars ($100.00) or over shall be by the yeas and nays and shall be entered upon the records; *provided* that where there is a unanimous vote in favor of the expenditure of one thousand dollars ($1,000.00), or less, an entry of such unanimous vote will be sufficient", and substitute therefor:

Votes of City Council on certain expenditures by yeas and nays.

All final votes of the city council involving the expenditure of one thousand dollars ($1,000.00) or more shall be by yeas and nays and shall be entered upon the records.

(c) Strike out Section 30 entitled "Control of Officers and Employees", and substitute therefor:

Control of department heads and employees.

SECTION 30. The heads of departments and employees of the city shall perform such duties as may be required of them by the city manager under the general regulation and supervision of the city council and the city council may establish rules governing the residence and age of such employees, including department heads; *provided, however,* such employees shall reside in Mecklenburg County.

Sec. 32, amended, as to powers of City.

(d) In Section 32 entitled "Powers of the City", Subsection 12, after the word "of" in line 3 thereof, insert the word "fowls".

Sec. 32, further amended.

(e) In Section 32, Subsection 22, after the word "crematories", insert "or land-fill garbage disposals", and further

amend Subsection 22 by inserting after the word "cremation" the words "or by burial".

Sec. 32, amended further.

(f) In Section 32, Subsection 4, strike out the words "to pay property damages not exceeding two hundred dollars ($200.00)", and substitute in lieu thereof:

Payment of property damages, medical expenses.

To pay property damages and/or medical expenses including hospital bills not exceeding a total of two hundred dollars ($200.00).

Sec. 40, amended as to compensation of City Attorney.

(g) In Section 40, Subsection 2, strike out the words "and that the compensation of such attorney or attorneys shall not in the aggregate be in excess of six thousand dollars ($6,000.00)" and substitute in lieu thereof:

and that such attorney or attorneys shall receive such compensation as shall be fixed by the city council.

Sec. 45, amended as to qualifications of City Engineer.

(h) In Section 45 entitled "Engineering Department", strike out the words, "who shall be a graduate engineer of some recognized college or university".

Sec. 49, relating to civil service, amended.

(i) In Section 49 entitled "Civil Service Act", Subsection 2, strike out the words "possessing the rights of suffrage", and insert the words:

between the ages of twenty-one and thirty.

Sec. 52, amended, as to payment of costs of permanent improvements.

(j) In Section 52 entitled "Permanent Improvements", strike out the words "*provided, however,* that it shall be mandatory upon the city to require the abutting property owners to pay for the entire cost of such improvements, except such portions thereof as may be chargeable to street or public alley intersections, which portions of the cost of such improvements shall be paid by the City of Charlotte", and substitute in lieu thereof:

provided the city council, without petition by abutting property owners, may, by resolution adopted by a majority of the entire council at not less than two regular meetings of the council at which it is found as a fact that such permanent improvements are necessary and in the public interest, order the city to make and pay all or any part of the cost of such improvements, *provided, however,* that there shall be published in a newspaper of general circulation in the City of Charlotte notice of such second meeting of the city council within not less than five days before the same publishing (1) that at such meeting the area described therein, or a lesser area, will be ordered permanently improved by the city council, describing the type of such improvements; (2) that a board of appraisers, consisting of five competent persons, will be nominated by the

Payment by City.

Publication of notice of Council meeting on question of improvements.

Duty of board of appraisers.

mayor and appointed by the city council, whose duty it shall be to appraise the property bordering upon such area (a) before the same is so improved, and (b) after the improvements are completed and to make written report of such appraisals to the city clerk; that after such report is filed with the city clerk the city council shall, within fifteen days thereafter, hold a hearing with respect to the benefits conferred upon the property within the improvement area and shall assess each property benefited either the appraised benefit to such property or one-half the cost of such improvement, using the cost per foot rule over the improvement area, less the cost of street intersections, to determine such cost, whichever is the lesser. The city council shall cause to be published in a newspaper of general circulation in the City of Charlotte within ten days thereafter a list of the owners and locations of such properties so benefited and therein notify such owners that such assessment shall be final and binding unless within fifteen days after such publication such owner or owners so assessed shall give written notice to the city council that such owner takes an appeal to the next term of Superior Court of Mecklenburg County and within five days thereafter serve the city manager a written statement of the facts upon which he bases his appeal, and such appeal shall be tried at the next term of court as other actions at law. The lien of any benefits assessed shall relate back to the date of the meeting of the city council finally determining that such improvements shall be made and such assessment shall constitute a lien as by law provided for assessments for local improvements and may be paid as is provided for assessments for local improvements.

Hearing on question of benefits; assessments.

Publication of list of property owners benefited; notice of assessments.

Appeal to Superior Court.

Liens of assessments.

(k) In Section 54 entitled "Parks and Playgrounds", at the end of Subsection 1 thereof, strike out the period and insert the words "for a term of three years".

Sec. 54, amended, as to parks and playgrounds.

SEC. 2. If any clause, sentence, paragraph, Subsection, Section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof and the circumstances directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

Partial invalidity provision.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1013 **CHAPTER 1034**

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES, AS AMENDED, RELATING TO TERMS OF SUPERIOR COURTS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statutes relating to terms of Superior Courts in Craven County, as amended, shall be amended by rewriting the same to read as follows:

Terms of Superior Court, Craven County.

Craven—Eighth Monday before the first Monday in March; thirteenth Monday after the first Monday in March, and the first Monday in September, for the trial of criminal cases only; fifth Monday after the first Monday in March for the trial of civil cases and criminal cases; fifth Monday before the first Monday in March to continue for one week for the trial of civil cases only; fourth Monday before the first Monday in March for the trial of civil cases only; third Monday before the first Monday in March for the trial of civil cases and criminal cases; fourth Monday after the first Monday in September and eleventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases only; tenth Monday after the first Monday in March for the trial of civil cases only.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1016 **CHAPTER 1035**

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF CABARRUS COUNTY TO ESTABLISH A SYSTEM OF PARKING METERS WHEREVER THE SAME MAY BE NECESSARY ON PUBLIC STREETS OR HIGHWAYS OUTSIDE THE CORPORATE LIMITS OF ANY INCORPORATED CITY OR TOWN.

The General Assembly of North Carolina do enact:

Provision for system of parking meters, outside municipal corporate limits, Cabarrus County.

SECTION 1. For the purpose of regulation and limitation of vehicular traffic and parking where the same may be desirable or necessary on public streets or highways in Cabarrus County outside the corporate limits of any incorporated city or town, the Board of County Commissioners of Cabarrus County is authorized and empowered, in its discretion, to adopt resolutions providing for a system of parking meters in Cabarrus County outside the corporate limits of incorporated cities and towns within said county which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicles or motor vehicles for stipulated periods of time in those areas in said county in which it is determined by the Board of County Commissioners that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

Maximum deposit.

Use of proceeds from parking meters.

SEC. 2. The proceeds derived from the use of such parking meters shall be set up and maintained in a special account and fund and used for the establishment and maintenance of such parking meters and for making such regulation effective; and, in addition thereto, said proceeds may be used for such other public purposes as the Board of County Commissioners, in its discretion, may provide.

Application of G. S., Ch. 20 and Ch. 136.

SEC. 3. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters established in Cabarrus County or the fees required in the use thereof.

Application of Act.

SEC. 4. This Act shall apply only to Cabarrus County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1025 **CHAPTER 1036**

AN ACT TO AMEND HOUSE BILL NO. 550, RATIFIED ON THE EIGHTEENTH DAY OF MARCH, 1947, RELATING TO THE EMPLOYMENT OF ADULT SCHOOL BUS DRIVERS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 372, Session Laws, 1947, amended.

SECTION 1. That Section 1 of House Bill No. 550, ratified on the eighteenth day of March, 1947, relating to the employment of adult school bus drivers in Currituck County, be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

Tax levy authorized to provide extra salary costs for adult school bus drivers, Currituck County.

The Board of County Commissioners of Currituck County be, and they are hereby, authorized to levy a tax upon all taxable property in said county at a rate sufficient to provide sufficient funds to meet the additional salary cost herein provided for, in an amount not to exceed three thousand dollars ($3,000.00) for each school year.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1034 **CHAPTER 1037**

AN ACT TO REGULATE THE SALE OF PERSONAL PROPERTY BY AUCTION IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Application of Act regulating certain auction sales, Scotland County.

SECTION 1. The provisions of this Article shall apply to all persons, firms, and corporations who shall sell or offer to sell within the boundaries of Scotland County any of the goods, wares, and merchandise hereinafter enumerated by means of an auction sale of the same conducted either by themselves or licensed auctioneers, except that it shall not apply to receivers, trustees in bankruptcy, trustees acting under a bona fide mortgage or deed of trust, trustees acting under the provisions of a will, any person acting under orders of any court, administrators or executors while acting as such, the bona fide holder of an article pledged to secure a debt, or any person having a statutory lien upon an article for labor or services performed upon such article.

Certain sales excepted.

Certain auction sales made unlawful.

SEC. 2. It shall be unlawful for any person, firm, or corporation to offer for sale or sell to the highest bidder at an auction sale any furniture, hardware, groceries, merchandise, or personal property of any kind whatsoever, except as hereafter provided.

License or permit required.

SEC. 3. Before selling or offering for sale any of the articles hereinabove mentioned, the person, firm, or corporation who or which is to conduct such auction sale shall apply to and obtain from the Board of Commissioners of Scotland County a license or permit to engage in the activity covered by this Article, and pay therefor the sum of one hundred dollars ($100.00). The license or permit issued by the board of county commissioners shall entitle the person, firm, or corporation therein named to conduct the auction sale as provided in this Article within the limits of Scotland County. No person or copartnership shall receive any license or permit to conduct any such sale unless such person or a member of the copartnership is, and has been for a period of one year prior to the issuance of the permit, a resident of the State of North Carolina, and is and has been for a period of six months prior thereto a resident of Scotland County; and no corporation shall receive a license or permit to conduct such sale unless such corporation is either a domestic corporation of the State of North Carolina having its principal place of business in Scotland County, or a foreign corporation which has complied with all requirements of the State of North Carolina for domestication in the State, and has a place of business in Scotland County.

License fee.

Scope of license or permit.

Residence requirements for eligibility for license.

Permit prerequisite to conduct of auction sale.

SEC. 4. Before any person, firm, or corporation shall offer for sale or sell at public auction any of the goods above described, such person, firm, or corporation shall obtain the permit provided for in the previous Section, and shall file with the Board of County Commissioners of Scotland County a good and sufficient bond in the penal sum of five thousand dollars ($5,000.00), to be approved by the board of county commissioners. Such bond shall be kept in full force and effect during the period for which such license is issued, and for a period of one year thereafter. The conditions of the bond shall be to provide that a resident of Scotland County therein named shall be irrevocably appointed as process agent on whom any process issued against the person, firm, or corporation conducting such sale may be served, and shall further provide that the person, firm, or corporation conducting said sale will pay all valid judgments secured against such person, firm, or corporation on causes of action arising out of such sales by auction.

Bond required.

Conditions of bond.

Presence of State-licensed auctioneer required.

SEC. 5. An auctioneer duly licensed as such by the State of North Carolina shall be present and in charge of any such auction sale.

Bidding by persons interested as seller, fictitious bidding, prohibited.

SEC. 6. At any such auction sale, no person interested either directly or indirectly as seller, and no person employed by any person interested either directly or indirectly as seller, shall bid on any article offered for sale, and no person shall act as a fictitious bidder at such sale, and no person shall bid or offer to bid or pretend to buy an article sold or offered for sale at any such auction by prearranged agreement with any person interested in the sale directly or indirectly as seller.

Right of purchaser to written description of merchandise and statement of representations made to induce bid.

SEC. 7. At any such auction sale, any person who shall purchase any article may have the right to demand of the person, firm, or corporation conducting such sale, at the time the sale is made or within forty-eight (48) hours thereafter, a written description of the merchandise so purchased, which description shall be accurate and full, and shall give the name of the manufacturer or producer of such merchandise, if known, shall state whether the merchandise is new or used, genuine or artificial, and shall also incorporate all representations made to induce persons to bid on such merchandise. Such statement shall be deemed to be the representations upon which the merchandise is purchased, and, upon a refusal to give such statement as herein provided, the sale may, at the option of the purchaser, be rescinded, in which event the purchaser shall have the privilege of demanding a return of all sums paid on account of such merchandise. A notice of the right of a purchaser to demand such statement shall be conspicuously displayed in each room or other place where such auction shall take place.

Effect of refusal of seller to comply.

Posting of notice of purchaser's rights.

Application of N. C. Fair Trade Act.

SEC. 8. No sale shall be made at such auction sales which shall violate the provisions of the North Carolina Fair Trade Act.

Responsibility of person conducting sale for actions of auctioneer.

SEC. 9. At all sales by auction conducted under the provisions of this Article, the person, firm, or corporation conducting such sale shall be present at all times in person or by an agent duly authorized in writing to represent such person, firm, or corporation, and the person, firm, or corporation conducting such sale shall be responsible for acts done and words spoken by the auctioneer or his assistants in furthering the sales by auction.

Effect of statements in advertising of sales.

SEC. 10. At all such auction sales, all statements contained in the advertising of such sales shall be considered and deemed representations inducing purchasers to bid on and buy the merchandise advertised, and, in the event any such merchandise shall not be as advertised, the purchaser thereof shall, at his option, be entitled to rescind such sale, and shall have the right, upon such rescission, to demand and receive any sums paid by him on account of such purchase.

Rights of purchaser in case of misrepresentation.

False advertising, labeling, etc. prohibited.

SEC. 11. No person, firm, or corporation conducting any such sale shall advertise any merchandise falsely or fraudulently, either by word of mouth or by written or published advertisement or by other forms of advertisement, nor shall any such person, firm, or corporation permit any article to be displayed or offered for sale which shall be falsely tagged, labeled, or branded.

False statements as to value of goods or cost to seller, prohibited.

SEC. 12. No person, firm, or corporation conducting any such sale shall allow or permit any false statements to be made by any person connected with such sale, either directly or indirectly, as seller, as to the value of any such merchandise being sold or as to the cost to the seller of any such merchandise being sold.

Persons to whom Act applies.

SEC. 13. The provisions of this Act shall apply to the person, firm, or corporation conducting such sale, whether such person, firm, or corporation is the owner of the merchandise being sold, or is selling such merchandise for others.

Punishment for violations.

SEC. 14. Any person violating any of the provisions of this Act shall be guilty of misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by imprisonment for not more than six months, or by both fine and imprisonment in the discretion of the court, and shall thereafter be denied the right to participate in the conduct of any such auction sale either directly or indirectly.

Rights granted by Act additional to other rights of purchasers.

SEC. 15. The rights and privileges herein granted to any purchaser shall be in addition to any and all other rights, privileges or remedies which such purchaser might otherwise have under the laws of North Carolina; and the provisions of this Act shall not be deemed to deprive any such purchaser of any rights or remedies which he otherwise would have had.

Exemption of church and civic organizations.

SEC. 16. Nothing in this Act shall be construed as preventing church and civic organizations from holding auction sales of merchandise and personal property for charitable purposes, without complying with the provisions of this Act.

Application of Act.

SEC. 17. This Act, and every Section thereof, shall apply only to Scotland County.

SEC. 18. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1035 CHAPTER 1038

AN ACT TO AMEND SECTION 143-135 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS TO REGULATE THE CONSTRUCTION OF SCHOOL BUILDINGS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

G. S. § 143-135, amended.

SECTION 1. Amend Section 143-135 of the General Statutes by adding a proviso at the end of said Section which shall read as follows:

Law relating to public building contracts, not applicable to certain Wayne County School building construction projects.

Provided, that the provisions of this Article shall not apply in Wayne County to the governing authority of a county administrative unit or a governing authority of a city administrative unit, or other proper public authority of Wayne County charged with the construction of school buildings and doing or performing by or through its or their duly authorized officers or agents work in the construction of such school buildings up to and including an amount not to exceed twenty thousand dollars ($20,000.00).

Application of exemption to other counties.

The provisions of this Act shall apply to the counties of Johnston, New Hanover, Duplin, Nash, Swain, Lincoln and Wake.

Limitation of effectiveness of Act.

SEC. 1½. The provisions of this Act shall terminate July 1st, 1949.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1036 **CHAPTER 1039**

AN ACT RELATING TO TAKING OF SHAD AND HERRING IN PARTS OF TAR RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any law, rule or regulation, it shall be lawful to take shad and herring with gill and skim nets of not less size bar than 1½" on Thursday, Friday and Saturday of each week between the dates of March 1st and June 1st, both inclusive, in the waters of Tar River between the bridge at Grimesland and the bridge at Falkland, known as "Pillsboro", and in the waters of Chicod Creek, a tributary of Tar River. Taking shad with herring with gill or skim nets during certain season in parts of Tar River and tributary, made lawful.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1041 **CHAPTER 1040**

AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 107 of the Private Laws of 1931, and all Acts amendatory thereof, relating to the charter of the City of High Point, be and the same hereby is amended by adding thereto the following: Ch. 107, Private Laws, 1931, Charter of High Point, amended.

SEC. 2. There is hereby created a Board of Power, Water and Airport Commissioners of the City of High Point, which board shall consist of five members who shall be appointed by the Council of the City of High Point prior to May 1st, 1947. Such Board Creation of Board of Power, Water and Airport Commissioners, High Point.

of Power, Water and Airport Commissioners of the City of High Point shall be a corporation under the corporate name of the Board of Power, Water and Airport Commissioners of the City of High Point, and as such corporation shall have the powers herein set forth. The members of said board and their successors shall be appointed for a term of ten years; *provided* that the term of office of the members of said board first appointed shall be for two, four, six, eight and ten years, respectively. The member first appointed for the term of ten years shall be the chairman of such board, and thereafter the members of the board shall elect one of their members as chairman. The members of the board shall within three days after their appointment, take an oath or affirmation similar to that required of members of the Council of the City of High Point. Vacancies on the board shall be filled by the Council of the City of High Point by appointment of a member or members, but so long as there shall be three members in office, such vacancies shall not impair the powers of the board and three members shall constitute a quorum for the transaction of the business of the board. The city clerk shall act as the clerk of such board without additional compensation.

Appointment of members.

Staggered terms.

Oath.

Vacancies filled.

Quorum.

Clerk of Board.

General powers.

SEC. 3. Such Board of Power, Water and Airport Commissioners for the City of High Point shall have power to sue and be sued; to acquire by gift, purchase, or the exercise of the right of eminent domain, to construct, to improve, to better and to extend any power plant, water system or airport wholly within or wholly without the City of High Point or partially within or partially without the City of High Point; and to acquire by gift, purchase, or the exercise of the right of eminent domain lands, public lands, easements, public easements, rights in lands, and water rights in connection therewith; to operate and maintain any such power plant or water system for the sale and delivery of electric current or water to the City of High Point at the actual cost thereof, to issue revenue bonds to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of any such undertaking; to pledge to the punctual payment of such revenue bonds and interest thereon all or any part of the revenues of such undertaking (including the revenues of improvements, betterments or extensions thereto constructed or acquired) to accept any and all licenses either State or Federal that it may be necessary to obtain to construct, operate and maintain any or all such undertakings; to make all contracts, execute other instruments and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of such revenue bonds; *provided,* no debt

on the property or credit of the City of High Point is hereby incurred or hereafter incurred in any manner for and on account of the exercise of the powers herein granted to such Board of Power, Water and Airport Commissioners of the City of High Point.

Method of authorizing undertakings by Board.

SEC. 4. The acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking authorized by this Act, and the issuance, in anticipation of the collection of revenues of such undertakings, of bonds to provide funds to pay the cost thereof, may be authorized under this Act by resolution or resolutions of the Board of Power, Water and Airport Commissioners of the City of High Point which may be adopted at a regular or special meeting by a majority of the members of such board. Such resolution or resolutions shall take effect immediately and need not be laid over or published or posted. Such board in determining such cost may include all costs and estimated costs of the issuance of such bonds; all engineering, inspection, fiscal, and legal expenses, and interest, which it is estimated will accrue during the construction period and for six months thereafter, on money borrowed or which it is estimated will be borrowed pursuant to this Act.

Cost in connection with projects defined.

Issuance of revenue bonds.

SEC. 5. Revenue bonds may be issued under this Act in one or more series; may bear such date or dates, may mature at such time or times, not exceeding fifty years from their respective dates; may bear interest at such rate or rates not exceeding six per centum per annum, payable at such date or dates; may be payable in such medium of payment; at such place or places; may be in such denomination or denominations; may be in such form either coupon or registered; may carry such registration, conversion, and exchangeability privileges; may be subject to such terms of redemption with or without premium; may be declared or become due before the maturity date thereof; may be executed in such manner and may contain such terms, convenants, assignments and conditions as the resolution or the resolutions authorizing the issuance of such bonds may provide. All revenue bonds issued under this Act bearing the signature of the chairman and clerk of such board in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, such officers whose signatures appear thereon shall have ceased to be officers of such board issuing the same. Pending the preparation of the definitive bonds, interim receipts, in such form and with such provisions as such board of commissioners may determine, may be issued to the purchaser or purchasers of such revenue bonds to be issued under this Act. Such revenue bonds and coupons and said interim receipts shall

Interim receipts pending preparation of definitive bonds.

Negotiability of bonds, coupons, etc.; non-taxability.

be negotiable for all purposes, except as restricted by registration, and shall be and are hereby declared to be non-taxable for any and all purposes.

Authorized covenants contained in resolutions for bond issues.

SEC. 6. Any resolution or resolutions authorizing the issuance of revenue bonds under this Act to finance in whole or in part the acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking authorized by this Act may contain convenants (notwithstanding that such convenants may limit the exercise of powers conferred by this Act) as to:

(a) the rates or charges at cost to be charged for the services, facilities and commodities of any such undertaking to be furnished to the City of High Point;

(b) the use and disposition of the revenue by such board for the cost of operation and maintenance of such undertaking;

(c) the creation and maintenance of reserves or sinking funds as a part of the operating expense of such undertaking, the regulation, use and disposition of such reserves or sinking funds;

(d) the purpose or purposes to which the proceeds of the sale of such revenue bonds may be applied, and the use and disposition of such proceeds;

(e) events of default and the rights and liabilities arising thereupon, the terms and conditions for which the revenue bonds issued under this Act shall become or may be declared due before maturity, and the terms and conditions under which such declaration and its consequences may be waived;

(f) the issuance of other or additional bonds or instruments payable from or a charge against the revenue of such undertaking;

(g) the insurance to be carried thereon, and the use and disposition of insurance moneys;

(h) books of account and the inspection and the audit thereof;

(i) limitations or restrictions as to the leasing or otherwise disposing of the undertaking while any of the revenue bonds or interest thereon may remain outstanding and unpaid; and

(j) the continuous operation and maintenance of the undertaking.

Provisions of Act and resolutions made part of contract with bondholders.

The provisions of this Act and of any such resolution or resolutions shall be a contract with every holder of such bonds; and the duties of such board under this Act and under any reso-

lution or resolutions shall be enforceable by any holder by mandamus or other appropriate suit, action or proceeding at law or in equity.

Bonds payable only from revenue pledged for payment.

SEC. 7. Revenue bonds issued under this Act shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof. No holder or holders of any such bonds shall ever have the right to compel any exercise of the taxing power of the City of High Point to pay any such bonds or interest thereon; nor to enforce payment thereof against any property of the City of High Point; nor shall any such bonds constitute a charge, lien or incumberance, legal or equitable upon any property of the City of High Point.

Rights and remedies of bondholders in case of default.

SEC. 8. In the event that such board shall default in the payment of the principal or interest on any of the bonds after the same shall become due, whether at maturity or upon call for redemption and such default shall continue for a period of thirty days; or in the event that such board shall fail or refuse to comply with the provisions of this Act or shall default in any agreement made with the holders of the bonds, any holders of bonds or trustees therefor shall have the right to apply in an appropriate judicial proceeding to the Supreme Court of Guilford County or any court of competent jurisdiction for the appointment of a receiver of the undertaking, whether or not all bonds have been declared due and payable and whether or not such holder, or trustee therefor, is seeking or has sought any other right, or exercised any remedy in connection with such bonds. Upon such application the Superior Court or any other court of competent jurisdiction may appoint a receiver, and if the application is made by the holders of twenty-five per centum in principal amount of such bonds then outstanding, or any trustee for holders of such bonds in such principal amount, shall appoint a receiver of such undertaking.

Appointment of receiver.

Possession of undertaking by receiver.

The receiver so appointed shall forthwith, directly or with his agents and attorneys, enter into and upon and take possession of the undertaking for which bonds are in default and each and every part thereof and may exclude such board, its officers, agents and employees and persons claiming under them therefrom and shall have, hold, use, operate, manage and control the same and each and every part thereof, and, in the name of such board or otherwise, as the receiver may deem best, and shall exercise all the rights and powers of such board with respect to such undertaking for which such bonds are in default as such board itself might do. Such receiver shall maintain, restore, insure and keep insured the undertaking, and from time to time shall make all such necessary or proper repairs as to such receiver may seem expedient and shall establish, levy, maintain and col-

Operation and control by receiver.

Rights and powers of receiver.

Duties of receiver.

lect such rates, tolls, rentals and other charges in connection with the undertaking as such receiver may deem necessary or proper and reasonable and shall collect and receive all revenues and shall deposit the same in a separate account and apply such revenues so collected and received in such manner as the court shall direct; *provided* that such receiver shall have no authority to set at naught or violate any contract which such board may have entered into with the City of High Point for the purchase from such board of electric current or water prior to such receivership.

Rights of City of High Point.

Whenever all that is due upon the bonds and interest thereon, and upon other notes, or other obligations, and interest thereon, having a charge, lien, or other incumberance on the revenues of the undertaking and under any of the terms of any convenants or agreements with holders of bonds shall have been paid or deposited as provided therein and all default shall have been cured and made good, the court may in its discretion and after such notice and hearing as it deems reasonable and proper, direct the receiver to surrender possession of such undertaking to such board, the same right of the holders of the bonds to secure the appointment of a receiver to exist upon any subsequent default as herein above provided.

Surrender of possession of undertaking by receiver to Board, when defaults cured.

Such receiver shall in the performance of the powers herein above conferred upon him, act under the direction and supervision of the court making such appointment and shall at all times be subject to the orders and decrees of such court and may be removed thereby. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth herein.

Receiver subject to supervision by Court.

Effect of Act upon Court's jurisdiction.

SEC. 9. All revenue bonds issued pursuant to this Act shall be approved and sold by the Local Government Commission in the same manner as municipal bonds are approved and sold by that commission. It shall not be necessary for such board to obtain any other approval, consent, or authorization of any bureau, board, commission, or other like instrumentality of the State for the construction of any project or undertaking authorized by this Act; *provided, however,* that existing powers and duties of the State Board of Health shall continue in full force and effect.

Approval of revenue bonds by Local Government Commission.

Effect of Act upon powers and duties of State Board of Health.

SEC. 10. Though the City of High Point may enter into a contract with such board to take electric energy or water or both electric energy and water from such board hereby created, neither the electric distribution system of the City of High Point nor its water system is liable thereby for any debts or

High Point electric distribution system and water system not liable for debts of Board.

obligations of such board and the electric distribution system and water system of the City of High Point shall not thereby be forfeited or taken in payment of such bonds or other obligations of such board; and no debt on the credit of the City of High Point is to be incurred in any amount for any purpose, except for the payment of such services as may be purchased by the City of High Point from such board.

Debt on credit of City of High Point prohibited; exception.

SEC. 11. Such board shall have full authority to provide all necessary personnel for the efficient construction and operation of any undertaking authorized by this Act, and to fix the compensation of all such employees; *provided* that the members of such board shall receive no compensation for their services, but shall be entitled to travel expense.

Provision for construction and operation personnel.

Service of Board members without pay.

SEC. 12. If any Section, paragraph, clause or provisions of this Act shall be held invalid, the invalidity of such Section, paragraph, clause or provision shall not affect the remaining Sections, paragraphs, clauses or provisions of this Act.

Partial invalidity provision.

SEC. 13. That Chapter 600 of the Public-Local Laws of 1931 is hereby repealed.

Ch. 600, Public-Local Laws, 1931, repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 15. This Act shall be in full force and effect May 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1042 CHAPTER 1041

AN ACT TO ESTABLISH AND FIX THE COMPENSATION OF MEMBERS OF THE COUNCIL OF STATE IN CONFORMITY WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Members of the Council of State enumerated in the Constitution of North Carolina, viz.: The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance shall, after the expiration of the period of time for which the present officers have been elected, receive as compensation for their services seven thousand five hundred dollars ($7,500.00) each per annum, payable monthly.

Compensation of State officials constituting Council of State.

Conflicting laws repealed.

SEC. 2. That all laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after December 31st, 1948.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1045 CHAPTER 1042

AN ACT RELATING TO THE EXTENSION OR RENEWAL OF CORPORATE EXISTENCE OF CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S. § 55-158, amended.

SECTION 1. That Subsection 3 of Section 55-158 of the General Statutes be and the same is hereby amended so as to read as follows:

Tax for extension or renewal of corporate existence.

Extension or renewal of corporate existence of any corporation, forty dollars ($40.00).

Conflicting laws repealed.

SEC. 2. That all laws in conflict herewith are hereby reepaled.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1048 CHAPTER 1043

AN ACT TO FIX THE SALARY OF THE ATTORNEY GENERAL FROM AND AFTER JANUARY 1ST, 1949.

The General Assembly of North Carolina do enact:

G. S. § 114-7, amended.

SECTION 1. That G. S. 114-7, Chapter 1, Section 2, of the Public Laws of 1929, fixing the salary of the Attorney General, be and the same hereby is amended so as to read as follows:

Salary of Attorney General.

Salary from and after Jan. 1, 1949.

114-7. Salary of Attorney General. The Attorney General shall receive an annual salary of seven thousand five hundred dollars ($7,500.00), payable monthly: *Provided*, that from and after the first day of January, 1949, the Attorney General shall receive an annual salary of eight thousand four hundred dollars ($8,400.00), payable monthly.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1058 CHAPTER 1044

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PENDER COUNTY TO INCREASE, DECREASE AND EQUALIZE SALARIES OF ALL COUNTY EMPLOYEES AND OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Pender County is hereby authorized and empowered to increase, decrease and equalize the salaries of all county employees and officers in its discretion, excepting employees under the Merit System. Authority of Pender County Commissioners over salaries of county officers and employees.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1059 CHAPTER 1045

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF CAROLINA BEACH TO ADOPT AN OFFICIAL MAP OF SAID TOWN AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the Town of Carolina Beach in New Hanover County is hereby authorized to adopt an official map in substitution for any other map which has heretofore been adopted by said town. Power of Town of Carolina Beach to adopt official map.

SEC. 2. The governing body of the Town of Carolina Beach is hereby authorized to open, close, widen or narrow any street Power to open, close, widen, or narrow streets.

or streets in the town in order to conform the same to the official map adopted under the provisions of Section 1 of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1063 CHAPTER 1046

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICERS OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Sheriff, Hyde County, for attending Superior Court.

SECTION 1. The Sheriff of Hyde County shall be paid the sum of one hundred dollars ($100.00) as full compensation for attendance upon each term of Superior Court of Hyde County.

Compensation for attending Recorder's Court.

The sheriff shall also be paid an additional sum of ten dollars ($10.00) per month for attendance upon each term of the Recorders Court of Hyde County, this to be in addition to any other compensation therefor.

Compensation of Register of Deeds, Hyde County.

SEC. 2. The Register of Deeds of Hyde County shall receive for his own use out of each marriage license fee paid into the county the sum of two dollars ($2.00) only.

The register of deeds shall also be paid the sum of five dollars ($5.00) per diem in full compensation for each day's service as Clerk to the Board of County Commissioners of Hyde County.

Compensation of Hyde County Commissioners.

SEC. 3. Each Member of the Board of County Commissioners of Hyde County shall be paid the sum of five dollars ($5.00) per diem for each day's attendance upon meetings of the board.

Travel and expense allowances.

The travel and expense allowance for members of the board of county commissioners shall not be affected by this Act.

Compensation of County Attorney.

That the county attorney shall receive thirty dollars ($30.00) per month for advisory services rendered the board of county commissioners instead of twenty-five dollars ($25.00) as now provided.

Compensation of Judge of Recorder's Court.

SEC. 4. The Judge of the Recorders Court of Hyde County shall be paid as full compensation for the discharge of the duties of his office a salary of thirty dollars ($30.00) per month.

The solicitor of the recorder's court shall be paid six dollars ($6.00) per case instead of five dollars ($5.00) as now provided by law. Compensation of Solicitor.

SEC. 5. The Clerk of the Superior Court of Hyde County, as further compensation for serving as Clerk of the Recorders Court of Hyde County, shall be paid increased compensation of ten dollars ($10.00) per month in addition to any other amount received. Compensation of Clerk of Superior Court.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1065 CHAPTER 1047

AN ACT RELATING TO THE DUTIES AND SALARY OF THE AUDITOR OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the first Monday in December, 1948, the County Auditor of Madison County shall, in addition to his other duties, perform the duties now imposed upon and performed by the Madison County Tax Supervisor. Duties of Tax Supervisor transferred to County Auditor, Madison County.

SEC. 2. From and after the first Monday in December, 1948, the County Auditor of Madison County shall receive a salary of two hundred dollars ($200.00) per month, in lieu of all other compensation for performing his official duties, said salary to be paid out of the county general fund. Salary of County Auditor.

SEC. 3. All laws and clauses of laws, public, public-local, or private, in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1075 CHAPTER 1048

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE CREATION OF SCHOOL DISTRICTS AND THE ISSUANCE OF SCHOOL BUILDING BONDS, SO AS TO MAKE THE PROVISIONS OF THE ACT APPLICABLE TO ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 279, Public-Local Laws, 1937, amended.

SECTION 1. That Section 11 of Chapter 279 of the Public-Local Laws of 1937 be, and the same is hereby, amended by adding a new sentence at the end thereof to read as follows:

Law relating to creation of school districts, etc., applicable to Anson County.

The provisions of this Act shall also apply to Anson County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1093 CHAPTER 1049

AN ACT TO AMEND CHAPTER 755 OF THE SESSION LAWS OF 1943, WITH REGARD TO THE NORTH CAROLINA SYMPHONY SOCIETY, INCORPORATED, AS TO FIXING THE NUMBER OF THE GOVERNING BODY THEREOF, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Ch. 755, Session Laws, 1943, amended, as to Board of Directors, N. C. Symphony Society.

SECTION 1. That Section 1 of Chapter 755 of the Session Laws of 1943 be, and the same hereby is, amended by inserting in line three thereof, after the words, "consisting of," the following: "not less than."

"Directors" changed to "trustees."

SEC. 2. That said Chapter be further amended by changing the word "directors" wherever it appears in Sections 1 and 3 of said Act to the word "trustees".

Selection of certain trustees.

SEC. 3. That, in Section 1, the words, "number of", be substituted for the word "ten", so that the sentence will read: The remaining number of trustees shall be chosen by the members of the North Carolina Symphony Society, Incorporated, in such manner and at such times as that body shall determine.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1096 CHAPTER 1050

AN ACT FIXING TERMS OF SUPERIOR COURT FOR THE TWELFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. The subdivision entitled "Twelth District" of Section 770 of the General Statutes of North Carolina, as amended, is amended to read as follows: G. S. § 7-70, amended, as to Superior Court terms, Twelfth District.

TWELFTH DISTRICT

The Twelfth District is composed of Guilford County and Davidson County. The Superior Court of Guilford County is composed of two divisions, the Greensboro Division and the High Point Division; and the Superior Court thereof shall be opened and held at the following times and places, to-wit: Guilford County.

In the Greensboro Division at the county courthouse in Greensboro, for the trial of criminal cases only: Greensboro Division; criminal terms.

Eighth Monday before the first Monday in March, one week; fourth Monday before the first Monday in March, two weeks; first Monday in March, one week; third Monday after the first Monday in March, one week; seventh Monday after the first Monday in March, one week; eleventh Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in March, one week; eighth Monday before the first Monday in September, one week; fifth Monday before the first Monday in September, one week; first Monday before the first Monday in September, one week; first Monday after the first Monday in September, one week; third Monday after the first Monday in September, one week; sixth Monday after the first Monday in September, one week; eighth Monday after the first Monday in September, three weeks; thirteenth Monday after the first Monday in September, one week; and fifteenth Monday after the first Monday in September, one week.

In the High Point Division at the county building in High Point for the trial of criminal cases only: High Point Division; criminal terms.

Seventh Monday before the first Monday in March, one week; first Monday after the first Monday in March, one week; eighth Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, one week; second Monday after the first Monday in September, one week; seventh Monday after the first Monday in September, one week; and fourteenth Monday after the first Monday in September, one week.

Greensboro Division; civil terms.

In the Greensboro Division at the county courthouse in Greensboro for the trial of civil cases only:

Seventh Monday before the first Monday in March, two weeks; second Monday before the first Monday in March, two weeks; fourth Monday after the first Monday in March, two weeks; sixth Monday after the first Monday in March, two weeks; thirteenth Monday after the first Monday in March, two weeks; first Monday before the first Monday in September, two weeks; third Monday after the first Monday in September, three weeks; eleventh Monday after the first Monday in September, two weeks; and thirteenth Monday after the first Monday in September, two weeks.

High Point Division; civil terms.

In the High Point Division at the county building in High Point, for the trial of civil cases only:

Third Monday before the first Monday in March, one week; second Monday after the first Monday in March, two weeks; tenth Monday after the first Monday in March, two weeks; fourth Monday before the first Monday in September, one week; and eighth Monday after the first Monday in September, two weeks.

Terms to be held, Greensboro Division, by regular judge.

The regular Judge holding the courts of the Twelfth Judicial District shall hold the following courts of the Greensboro Division:

Eighth Monday before the first Monday in March, one week criminal; seventh Monday before the first Monday in March, two weeks civil; Fourth Monday before the first Monday in March, two weeks criminal; first Monday in March, one week criminal; fourth Monday after the first Monday in March, two weeks civil; sixth Monday after the first Monday in March, two weeks civil; eleventh Monday after the first Monday in March, one week criminal; thirteenth Monday after the first Monday in March, two weeks civil; fifteenth Monday after the first Monday in March, one week criminal; eighth Monday before the first Monday in September, one week criminal; fifth Monday before the first Monday in September, one week criminal; first Monday before the first Monday in September, two

weeks civil; third Monday after the first Monday in September, three weeks civil; sixth Monday after the first Monday in September, one week criminal; eighth Monday after the first Monday in September, three weeks criminal; eleventh Monday after the first Monday in September, two weeks civil; thirteenth Monday after the first Monday in September, one week criminal; and fifteenth Monday after the first Monday in September, one week criminal.

Terms to be held, High Point Division, by regular judge.

The regular Judge holding the courts of the Twelfth Judicial District shall hold the following courts of the High Point Division:

First Monday after the first Monday in March, one week criminal; second Monday after the first Monday in March, two weeks civil; eighth Monday after the first Monday in March, one week criminal; twelfth Monday after the first Monday in March, one week criminal; seventh Monday before the first Monday in September, one week criminal; fourth Monday before the first Monday in September, one week civil; seventh Monday after the first Monday in September, one week criminal; and fourteenth Monday after the first Monday in September, one week criminal.

Assignment of special, emergency, or other regular judge, for other terms.

The Governor shall assign a special, emergency or any regular Judge to hold all other terms of both the Greensboro Division and High Point Division. And if for any reason the Judge holding the courts of the Twelfth Judicial District is unable to hold any of said terms, the Governor shall assign an emergency or any other judge to hold said terms.

Transfer of terms between Divisions.

Any of the terms of court assigned or provided as above set out to be held in either the Greensboro Division or the High Point Division of the Superior Court of Guilford County may be transferred to, and held in, the other division of the said Superior Court of Guilford by order of the Governor: *Provided, however,* that the President of the Greensboro Bar Association and the President of High Point Bar Association recommend and agree in writing thereto.

DAVIDSON COUNTY

Terms for trial of civil and criminal cases, Davidson County.

In Davidson County at the courthouse in Lexington for the trial of civil and criminal cases:

Fifth Monday before the first Monday in March, one week; ninth Monday after the first Monday in March, one week; sixteenth Monday after the first Monday in March, one week; second Monday before the first Monday in September, one week; eleventh Monday after the first Monday in September, two weeks.

Terms for civil cases only, Davidson County.

In Davidson County at the courthouse in Lexington for the trial of civil cases only:

Second Monday before the first Monday in March, two weeks; fifth Monday after the first Monday in March, two weeks; twelfth Monday after the first Monday in March, two weeks; first Monday after the first Monday in September, two weeks; fourth Monday after the first Monday in September, two weeks.

Terms to be held by regular judge.

The regular Judge holding the courts of the Twelfth Judicial District shall hold the following courts in Davidson County at the courthouse in Lexington:

Fifth Monday before the first Monday in March, one week mixed; second Monday before the first Monday in March, two weeks civil; ninth Monday after the first Monday in March, one week mixed; sixteenth Monday after the first Monday in March, one week mixed; second Monday before the first Monday in September, one week mixed; first Monday after the first Monday in September, two weeks civil.

Assignment of special, emergency, or other regular judge for certain terms.

The Governor shall assign a special, emergency or any regular Judge to hold all other terms in Davidson County. If for any reason the Judge holding the courts of the Twelfth Judicial District is unable to hold any of said terms, the Governor shall assign an emergency or any other Judge to hold said terms.

Effective date.

SEC. 2. This Act shall become effective from and after the first Monday in July, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1102 CHAPTER 1051

ON ACT RELATING TO APPEALS TO THE SUPERIOR COURT FROM THE CALDWELL COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Provision for withdrawal of appeal by defendant from Recorder's Court to Superior Court, Caldwell County.

SECTION 1. Whenever any defendant is convicted in the Recorder's Court of Caldwell County and gives notice of appeal to the Superior Court of Caldwell County, such defendant may thereafter withdraw his notice of appeal and comply with the judgment of the recorder's court, *provided* he withdraws such notice of appeal and complies with the judgment of the recorder's court prior to the 8th day preceding the criminal term of Superior Court in Caldwell County next ensuing after such conviction and notice of appeal.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1104 CHAPTER 1052

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO INCREASE THE SALARY OF THE COMMISSIONERS OF PUBLIC HIGHWAYS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Buncombe County is hereby authorized to increase the annual salary of the Commissioners of Public Highways of Buncombe County by the sum of five hundred dollars ($500.00). This five hundred dollars ($500.00) increase in such annual salary shall become effective as of April 1st, 1947, shall continue until the expiration of the present term of such commissioner, and shall be in addition to any other salary or compensation received by him. Authority of Buncombe County Commissioners to increase salary of Commissioner of Public Highways.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1105 CHAPTER 1053

AN ACT TO AMEND ARTICLE 24 OF SUBCHAPTER VI OF CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MUNICIPAL RECORDERS' COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 7-190 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows: G. S. § 7-190, amended.

Any Recorder's Court which may be established in the Town of Mocksville, in Davie County, under the provisions of this Article shall have county-wide jurisdiction within the limits prescribed by this Section. Jurisdiction of any recorder's court established in Town of Mocksville.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1108 CHAPTER 1054

AN ACT RELATING TO THE NOMINATION AND THE ELECTION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION BY DISTRICTS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 343, Session Laws, 1947, amended.

SECTION 1. H. B. 441 enacted into law by the 1947 session of the General Assembly is hereby amended by repealing Section 3 and 4 and inserting in lieu thereof the following:

Nomination of members of Dare County Board of Education.

The members of the County Board of Education of Dare County shall be named by the then incumbent member of the General Assembly from Dare County, but in naming such members, they shall be named from the districts provided for in Section 1 of H. B. 441.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1112 CHAPTER 1055

AN ACT TO AMEND CHAPTER 126 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE SALARY OF THE JUDGE OF THE RECORDER'S COURT OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 126, Public-Local Laws, 1939, amended.

SECTION 1. That Section 3 of Chapter 126 of the Public-Local Laws of 1939 is hereby amended to read as follows:

SEC. 3. That from and after the first day of July, 1947, the Judge of Recorder's Court of Currituck County shall receive an annual salary of nine hundred dollars ($900.00), payable in twelve equal monthly enstallments.

Salary of Judge of Recorder's Court, Currituck County.

SEC. 2. That all laws and clauses of laws in confiict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1114 CHAPTER 1056

AN ACT TO DIRECT THE DEPARTMENT OF TAX RESEARCH TO MAKE AN EXAMINATION OF THE PROBLEM OF TAXING COOPERATIVE ASSOCIATIONS AND TO REQUIRE SUCH ASSOCIATIONS TO FILE WITH THE DEPARTMENT OF REVENUE REPORTS CONTAINING INFORMATION FOR USE IN SUCH EXAMINATION.

The General Assembly of North Carolina do enact:

SECTION 1. As soon as practicable after the ratification of this Act, and prior to the convening of the General Assembly of 1949, the Department of Tax Research is hereby directed to make a thorough examination and study of cooperative associations, their status with respect to the taxing laws, the differences between various types of cooperative associations, and the extent to which such associations should be taxed under the laws of the State. The Department of Tax Research is directed to examine into any phase of the problem of taxing cooperatives and into any allied subjects which may enable it to arrive at a satisfactory conclusion respecting the problem of taxing cooperatives. In making its investigation and study the Department of Tax Research shall consider all kinds of taxes imposed under the laws of the State, their present applicability to cooperatives, and the extent to which the applicability of the tax laws should be changed with respect to cooperatives. The Department of Revenue is directed to render such assistance and provide such information as will further and support said examination.

Department of Tax Research directed to study problem of taxing cooperative associations.

Matters for consideration.

SEC. 2. In order that adequate information may be available to the Department of Tax Research in making said examination, every cooperative association operating in this State shall on or before September 15th, 1947, file with the Commissioner of Revenue a report, on forms to be provided by the Commis-

Reports by cooperative associations to Commissioner of Revenue.

sioner of Revenue, showing all such information, data and figures with respect to its orgainzation and operation as shall be required by the Commissioner of Revenue. A similar report may be required by the Commissioner of Revenue to be filed on or before September 15th, 1948. The Commissioner of Revenue shall, as soon as practicable, make all of such information, data and figures available to the Department of Tax Research. Except as provided herein the Commissioner of Revenue shall not divulge such information to persons or under circumstances other than those permitted under G. S. 105-259.

Confidential nature of information.

Penalties for failure to file required reports and information.

SEC. 3. Any cooperative association and any officer or other person required hereunder to file a report who or which wilfully fails to file such report as required or to supply information as required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to the penalties named in G. S. 105-161, Subsection 6, with respect to a wilful failure to file an income tax return.

Written report of investigation and study by Tax Research Department.

SEC. 4. The Department of Tax Research is directed to make a written report of its investigation and study, with its conclusions and recommendations, to the Advisory Budget Commission prior to the convening of the General Assembly of 1949.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1115 CHAPTER 1057

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES RELATING TO THE TERMS OF COURT IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statues of North Carolina fixing the terms of Superior Court in Wilson County is hereby rewritten to read as follows:

Terms of Superior Court, Wilson County.

Wilson—Fourth Monday before the first Monday in March, to continue for two weeks, the first week for civil cases only, and the second week for criminal cases only; tenth Monday after the first Monday in March, to continue for two weeks, the first

week for criminal cases only, and the second week for civil cases only; sixteenth Monday after the first Monday in March, for civil cases only; first Monday in September; fourth Monday after the first Monday in September, for civil cases only; seventh Monday after the first Monday in September for criminal cases only; eighth Monday after the first Monday in September, to continue for two weeks, for civil cases only; thirteenth Monday after the first Monday in September and for this term of court a special or emergency judge shall be assigned by the Governor to hold the same.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1116 CHAPTER 1058

AN ACT AUTHORIZING THE GENERAL ASSEMBLY OF NORTH CAROLINA TO AWARD A BONUS OF ONE DOLLAR PER DAY FOR THE DURATION OF THE 1947 ASSEMBLY TO THE SIX YOUNG LADIES IN THE ATTORNEY GENERAL'S OFFICE.

Preamble:

Work for General Assembly by ladies in Attorney General's office.

WHEREAS, seven young ladies in the Attorney General's office have been working unceasingly and uncomplainingly copying bills for the General Assembly of North Carolina; and

Work beyond line of duty.

WHEREAS, this work has been above and beyond their line of duty: *Now, therefore,*

The General Assembly of North Carolina do enact:

Payment of bonus to certain employees of Attorney General's office, directed.

SECTION 1. The Treasurer of North Carolina is hereby authorized and directed to pay out of appropriations made for expenses of the General Assembly to: Mrs. Margaret York Wilson, Miss Lillian Turner, Miss Elizabeth Kelly, Miss Ruby Thomas, Miss Elizabeth Flournoy and Mrs. Grace H. Baker, regular employees of the Attorney General's office, and Miss Isabel C. Small, regular employee in the office of the Assistant Attorneys General assigned to the Department of Revenue, the sum of one dollar ($1.00) per day for each day that the 1947 Session of the General Assembly of North Carolina has and will remain in session.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1117 CHAPTER 1059

AN ACT TO PROVIDE FOR THE ELECTION OF A MAYOR AND BOARD OF COMMISSIONERS IN FALKLAND IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Town of Falkland continued as municipal corporation.

SECTION 1. That the Town of Falkland in the County of Pitt shall be and remain a municipal corporation by the name and style of "Town of Falkland," as heretofore incorporated under Chapter 251 of the Private Laws of North Carolina, Session of 1893 as amended, and shall be subject to all of the provisions of Chapter 160 of the General Statutes of North Carolina, as amended, the same being entitled "Municipal Corporations."

Creation of Municipal Board of Elections.

Members named.

Powers and duties.

SEC. 2. That there is hereby created a Municipal Board of Elections for the Town of Falkland, and the membership of said Board of Elections shall be composed of T. K. Fountain, G. H. Pittman and W. W. Wooten. That said Municipal Board of Elections shall perform with respect to the municipal election hereinafter provided for in the Town of Falkland all election duties provided by Article 3 of Chapter 160 of the General Statutes relating to municipal elections, including the authority to receive notices of candidacy, provide for a new registration of voters in said Town of Falkland, appoint registrars, provide registration books, administer all necessary oaths, hear challenges, appoint judges, and to do generally any and all things necessary for the conduct of said municipal election and to canvass and make official returns of the results thereof. That for the purpose of calling a new registration for the election hereinafter provided, it shall only be necessary to give fifteen days' notice thereof; and except as herein provided, the election shall be conducted as prescribed by said Article 3 of Chapter 160 of the General Statutes.

Notice of new registration.

Conduct of elections.

Election of Mayor and Commissioners, Town of Falkland.

Terms.

SEC. 3. That on the first Monday in May, 1947 the above Municipal Board of Elections shall cause to be held an election in the Town of Falkland for the purpose of electing a mayor and three commissioners to conduct the municipal government of the Town of Falkland who shall serve for a period of one year or until their successors are elected and qualified. That on the

first Monday in May, 1948, and biennially thereafter, an election shall be held for the purpose of electing a Mayor and board of commissioners of the Town of Falkland; and said election shall in all respects be conducted under the provisions of Article 3, Chapter 160 of the General Statutes. That upon the election of the mayor and board of commissioners of the Town of Falkland in the election to be held on the first Monday in May, 1947 and upon the installation of said mayor and the qualification of said commissioners, the power and authority of the Municipal Board of Elections herein appointed shall cease; and thereafter, all elections shall be held under Article 3 of Chapter 160 of the General Statutes.

Conduct of elections.

Termination of authority of Municipal Board of Elections.

Holding of subsequent elections.

SEC. 4. That it shall not be necessary to elect a constable in any of the elections herein provided for, but the mayor and board of commissioners may appoint such policemen and town constables as provided by Chapter 160 of the General Statutes.

Appointment of policemen and town constables.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1120 CHAPTER 1060

AN ACT AUTHORIZING THE REIMBURSEMENT OF READING CLERK RALPH MONGER FOR LOSS OF BONUS BY REASON OF HIS BEING DRAFTED AS READING CLERK IN THE HOUSE FOR THE 1947 GENERAL ASSEMBLY.

Preamble:

Drafting of Ralph Monger as Reading Clerk, House of Representatives.

WHEREAS, Reading Clerk Ralph Monger, our able and most efficient Reading Clerk for many Sessions of the General Assembly, was drafted by the Membership of this House to serve for the 1947 Session by reason of his outstanding ability, understanding and devotion to duty while acting in such capacity; and

Monger serving as employee of Revenue Department.

WHEREAS, at the time of the convening of the General Assembly, he was serving as an employee of the State Department of Revenue; and

No service as employee of Revenue Department during certain months.

WHEREAS, due to the fact that he has not and will not actually serve in this capacity as an employee of the Revenue Department for the months of January, February and March 1947; and

Monger deprived of bonus under 1947 Bonus Act.

WHEREAS, because of this fact he is not under the law entitled to receive additional compensation as a State employee under the terms of the 1947 Bonus Act for these months, and will be deprived of this compensation, in the amount of ninety-six dollars and seventy-five cents (96.75): *Now, therefore,*

The General Assembly of North Carolina do enact:

Reimbursement of Ralph Monger for loss of bonus.

SECTION 1. That Ralph Monger, Reading Clerk, be reimbursed out of any funds appropriated for expenses of the 1947 General Assembly the sum of ninety-six dollars and seventy-five cents (96.75).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1121 CHAPTER 1061

AN ACT TO PROVIDE FOR THE APPOINTMENT, SALARY AND DUTIES OF AN ASSISTANT SOLICITOR FOR THE SEVENTH SOLICITORIAL DISTRICT TO ASSIST IN THE PROSECUTION OF THE CRIMINAL DOCKET FOR THE SUPERIOR COURT OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Appointment of attorney to assist Solicitor, 7th Solicitorial District, in Wake County Superior Court work.

Nomination by Solicitor.

Duties.

SECTION 1. The Commissioners of Wake County are hereby authorized and empowered, in their discretion, to appoint a competent attorney of Wake County to assist the Solicitor of the Seventh Solicitorial District in the prosecution of the Criminal Docket of Superior Court of Wake County: *Provided,* that no one shall be appointed assistant solicitor under this Act unless and until he has first been recommended and nominated for the office by the Solicitor of the Seventh Solicitorial District. Said Solicitor of the Seventh Solicitorial District is hereby authorized to designate the duties of the Assistant Solicitor aforesaid.

First term of office.

SEC. 2. That the first term of the office shall begin at the discretion of the County Commissioners of Wake County and end at the discretion of the County Commissioners of Wake County: *Provided, however,* no appointment shall be made for less than one year.

SEC. 3. That at the end of any term the County Commissioners of Wake County may, in their discretion, leave the office unfilled for the ensuing term, or any portion thereof; but this provision shall not prevent the Commissioners from appointing an assistant solicitor upon the recommendation and nomination of the Solicitor at any time when the office is unfilled under the provisions of this Section.

Wake County Commissioners authorized to leave office unfilled for ensuing term.

Further appointments.

SEC. 4. That the salary of the Assistant Solicitor shall be fixed by the Board of County Commissioners of Wake County at a sum in their discretion to be paid from the General Fund of Wake County.

Salary of Assistant Solicitor.

SEC. 5. That this Act shall apply only to Wake County.

Application of Act.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1122 CHAPTER 1062

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after July 1st, 1947, ten per cent (10%) of the net profits derived from the operation of Alcoholic Beverage Control Stores in Nash County, after the State tax and enforcement funds have been allocated, shall be allocated and paid to the several municipalities within the County of Nash where the stores are operated by the board. Each municipality shall receive ten per cent (10%) of the net profits from the store or stores located in such municipality. The remaining net profits shall be paid to the Nash County Board of Commissioners to be added to the general fund of the county.

Distribution of net profits from A. B. C. stores, Nash County, among municipalities therein.

Application of remaining profits.

The Nash County Board of Alcoholic Control shall make quarterly settlements with the county and municipalities.

Quarterly settlements.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1126 CHAPTER 1063

AN ACT RELATING TO THE COUNTY BOARD OF EDUCATION OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Appointment of J. C. Cullins as member of Board of Education, Onslow County.

SECTION 1. Mr. J. C. Cullins of Jacksonville Township is hereby appointed to be a member of the County Board of Education of Onslow County to serve in the place of Dr. L. R. Turner and for the same term for which Dr. L. R. Turner was appointed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1049 CHAPTER 1064

AN ACT TO APPROPRIATE FUNDS IN ADDITION TO FEDERAL FUNDS FOR USE BY THE NORTH CAROLINA ARMORY COMMISSION IN THE ACQUISITION, CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF ARMORIES FOR THE USE BY THE NATIONAL GUARD, STATE GUARD OR OTHER ORGANIZED MILITARY UNIT IN THIS STATE OF WHICH THE GOVERNOR IS THE COMMANDER-IN-CHIEF.

The General Assembly of North Carolina do enact:

Appropriation for N. C. Armory Commission.

Use of funds.

SECTION 1. There is hereby appropriated out of the General Fund a sum of one hundred thousand dollars ($100,000.00) for each year of the 1947-1949 biennium to be expended by the North Carolina Armory Commission, created by House Bill No. 433 of the 1947 General Assembly, in carrying out the purposes of said Act in addition to Federal funds allocated to North Carolina for the acquisition, construction, equipment and mainte-

nance of Armories for the National Guard, State Guard or other organized military unit in North Carolina of which the Governor is the Commander-in-Chief.

Expenditures, subject to approval by Governor and Council of State.

SEC. 2. Expenditures from the fund of one hundred thousand dollars ($100,000.00) appropriated in the preceding Section for the purpose mentioned therein shall be made from time to time as approved by the Governor and Council of State.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 38 **CHAPTER 1065**

AN ACT TO AMEND G. S. 105-422, BARRING TAX LIENS FOR 1936 AND PRIOR YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 105-422 be amended so as to read as follows:

G. S. § 105-422, amended.

105-422. Tax liens barred. No action shall be maintained by any county or municipality to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens held by counties and municipalities, whether such taxes or tax liens are evidenced by the original tax books or tax sales certificates or otherwise, unless such action shall be instituted within ten years from the time such taxes became due: *Provided*, that as to tax foreclosure actions which under existing laws are not and will not be barred prior to December 31st, 1948, foreclosure actions may be instituted thereon at any time prior to December 31st, 1948: *Provided, further*, that this Act shall not be construed as applying to the liens for street and/or sidewalk improvements; and, *provided further*, that this Act shall not be applicable to any pending tax foreclosure actions. Provided that the provisions of this Act shall not apply to Ashe, Buncombe, Burke, Carteret, Camden, Clay, Columbus, Cumberland, Currituck, Dare, Davie, Edgecombe, Franklin, Gates, Greene, Harnett, Hoke, Hyde, Iredell, Lee, Macon, Madison, Moore, Nash, Northampton, Orange, Pender, Pamlico, Perquimans, Richmond, Scotland, Rockingham, Rowan, Vance, Warren,

Actions by county or municipality to enforce certain tax collections and tax liens barred.

Act not applicable to liens for street and sidewalk improvements.

Act not applicable to certain counties and political subdivisions.

Wayne, Wilson and Yadkin Counties or any of the political subdivisions thereof.

Conflicting laws repealed.

SEC. 2. That G. S. 105-423 and all Public and Public-Local Laws and clauses of laws in conflict with this Act, or providing for different Statutes of Limitations for tax foreclosure actions, are hereby repealed, the purpose hereof being to make this a State-wide Act applicable to all the counties of the State; *Provided*, that nothing herein shall bar or prevent the institution of suits to foreclose the lien of taxes for which certificates have been filed as judgments under the provisions of G. S. 105-392, within the time and under the conditions set out in Subsection (h) of said Section.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 228 CHAPTER 1066

AN ACT TO AMEND CHAPTER 69 OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING AT THE END OF SAID CHAPTER A NEW ARTICLE TO PROVIDE FOR FIRE PROTECTION IN HOTELS AND OTHER BUILDINGS OF LIKE OCCUPANCY.

The General Assembly of North Carolina do enact:

G. S., Ch. 69, amended; fire protection in hotels, etc.

SECTION 1. That Chapter 69 of the General Statutes of North Carolina is hereby amended by adding a new Article thereto as follows:

Article 4. Hotels; safety provisions.

Administration of Act.

69-26. Administration. For the purpose of administering and enforcing the provisions of this Article, reference is made to Article 9 of Chapter 143 of the General Statutes of North Carolina, known as the North Carolina Building Code and all rights, powers, duties and authorities provided in said Code shall apply and be in force in the administration and enforcement of this Article except as may be specifically provided hereunder; and such rules, regulations, standards, classifications or restrictions necessary in the administration and enforcement hereof and appeals therefrom and thereupon shall be made in accordance with said Article 9, Chapter 143 of the General Statutes of North Carolina.

Application of G. S., Ch. 143, Art. 9, N. C. Building Code.

69-27. Alarms, bells and gongs. In any hotel or other building of like occupancy, there shall be provided a manually operated fire alarm, bell or gong system, approved by the commissioner of insurance, suitable to arouse all occupants of such buildings if necessary in case of fire or other emergency and capable of being operated by one operation at the main desk or at the telephone switchboard. Where practicable, the alarm system shall be connected with the city fire alarm system and shall be subject to periodic inspection as directed by the commissioner of insurance.

Alarm system for hotels and similar buildings.

Approval.

Inspection.

69-28. Watchman service. Every proprietor or keeper of any hotel or other building of like occupancy, two stories or more in height or designed to provide twenty or more rooms for sleeping accommodations shall provide or cause to be provided watchman service, utilizing a standard watch clock system in such manner so that each and every floor, corridor and accessible space, exclusive of rooms being occupied, shall be inspected at least once each hour between 10:00 p.m. and 6:00 a.m. Within the corporate limits of municipalities, this watchman service shall be satisfactory to the chief of the fire department and/or the commissioner of insurance. In every building subject to the provisions of this Section, there shall be kept a record showing compliance therewith, and this record shall be subject to inspection by the commissioner of insurance or his deputies or the chief of the fire department. *Provided* that in lieu of a watchman service such hotel or other building of like occupancy may be provided with an automatic fire detection system approved by the commissioner of insurance and the North Carolina Building Code Council.

Watchman service.

Records kept showing compliance.

Automatic fire detection system, in lieu of watchman service.

69-29 Automatic Sprinklers.

(a) In any hotel or other building of like occupancy of B, C, D or E construction as defined in the North Carolina Building Code more than three stories in height, there shall be provided in such building an automatic sprinkler system to be of such design, construction and scope as may meet the approval of the North Carolina Building Code Council, *provided, however,* that if in the opinion of the commissioner of insurance any such building three stories or less in height shall not have ample and adequate protected fire escapes or exits, then he may require the responsible party to provide or cause to be provided in such building an approved automatic sprinkler system of such design, construction and scope as may be approved by the North Carolina Building Code Council.

Automatic sprinkler system required in certain hotels.

Approval.

(b) In any hotel or other building of like occupancy of A or A′ construction, as defined in the North Carolina Building Code, more than four stories in height, there shall be provision that such rooms or areas in such building as are occupied or

Certain areas of special fire hazard cut off, in certain hotels.

used for such purposes as linen rooms, storage rooms, carpenter shop, upholstery and furniture repair shop, kitchens, laundries, paint shop, mattress renovation shops, basements and other areas of special fire hazard shall be cut off in a manner approved by the commissioner of insurance or his deputy or the chief of fire department of the city in which the building is located, and, in the discretion of said insurance commissioner or his deputy, the responsible party may be required to provide in such areas an approved automatic sprinkler system.

Provision for automatic sprinkler system in special hazard areas.

Automatic detection system in lieu of sprinkler system in certain cases.

(c) In any hotel or other building of like occupancy of any type construction, wherein, under Sub-paragraphs (a) and (b) above, an automatic sprinkler system is required to be installed, if, in the opinion of the commissioner of insurance or his deputy, reasonable life safety may be insured, such commissioner or his deputy may permit the installation of an approved automatic detection system in lieu of an automatic sprinkler system.

Period for compliance with Section.

(d) A period of three years from the effective date of this Article shall be allowed for compliance with the provisions of this Section.

Determination of responsibility for compliance.

(e) The obligation of this article with respect to installation of alarms, bells or gongs and of automatic sprinklers or automatic fire detection systems shall rest upon the owner of the building as the lesser, or upon the operator thereof as the lessee, as the case may be, in accordance with the terms and provisions of the lease contract; and in the absence of any determining provision in such lease contract, or in the absence of any written lease, the obligation with respect to such installations shall be determined in accordance with the law of the state.

69-30. Vertical openings.

Fire resistant interior stairways required.

(a) In new or existing hotel buildings all interior stairways used as exits, except stairways from a lobby to a mezzanine and open stairways permitted under Section (b) below, shall be so enclosed as to provide a safe path of escape to the outside of the building without danger from fire or smoke, by means of enclosures and self closing doors having at least one hour fire resistance rating, or otherwise enclosed in a manner approved by the commissioner of insurance or his deputy, and any vertical openings other than stairways through which fire and smoke may spread from story to story, shall be enclosed in a manner approved by the commissioner of insurance or his deputy.

Enclosure of vertical openings.

(b) In existing hotel buildings of less than four stories in height, the enclosure of floor openings as provided in Section (a) above may be waived by the commissioner of insurance or his deputy if life safety is not endangered thereby.

Waiver of enclosure of floor openings, in certain hotel buildings.

69-31. Fire Extinguishers. Every proprietor or keeper of any hotel or other building of like occupancy shall provide and keep in proper operating condition at least two two and one half (2½ gal.) gallon extinguishers on each floor utilized for sleeping purposes or at least one two and one half gallon fire extinguisher for each fifteen (15) rooms utilized for sleeping purposes on each floor, whichever is the greater number. It shall further be the duty of every proprietor or keeper of any hotel or other building of like occupancy to insure that all employees working in said building shall be trained in the use of fire extinguishers and other fire fighting equipment located or installed in said building.

Maintenance of fire extinguishers on each floor.

Hotel employees trained in use of extinguishers.

69-32. Alterations and Decorations. In all hotels or other buildings of like occupancy, located in a city which has a fire department, after the effective date of this Article, no interior structural alteration, temporary or permanent, shall be made or no decorations or scenery shall be placed in the public spaces thereof without the prior approval and permit of the chief of fire department of that city.

Approval of interior alterations and decorations.

69-33. Careless or Negligent Setting of Fires. Any person who in any fashion or manner negligently or carelessly sets fire to any bedding, furniture, draperies, house or household furnishings or other equipment or appurtenances in or to any hotel or other building of like occupancy shall be guilty of a misdemeanor and shall be subject to a fine of not less than $50.00 nor more than $500.00 or to imprisonment of to both fine and imprisonment in the discretion of the court.

Punishment for negligent setting of fires.

69-34. Penalty for Non-compliance. Any owner, owners, proprietor or keeper of any hotel or other building of like occupancy who fails to comply with any of the foregoing provisions of this Article shall be guilty of a misdemeanor and punished by fine of not less than $10.00 nor more than $50.00. Each day of non-compliance herewith shall constitute a separate offense.

Punishment for non-compliance with Act.

69-35. Unsafe buildings condemned. The commissioner of insurance is empowered to inspect or cause to be inspected any hotel or other building of like occupancy and any such building which shall be found to be especially dangerous to life, because of its liability to fire or in case of fire by reason of bad condition of walls, overloaded floors, defective construction, insufficient means of egress, decay or other causes shall be held to

Condemnation of unsafe buildings.

be unsafe and the commissioners of insurance shall affix or cause to be affixed a notice of dangerous character of the structure in a conspicuous place on the exterior wall of such building.

Punishment for allowing unsafe building to remain occupied.

69-36. Penalty for allowing unsafe Building to Remain Occupied. If any person shall continue to use or occupy or permit the use or occupance of any hotel or other building of like occupancy which has been condemned as unsafe and dangerous to life by the commissioner of insurance or his authorized deputy, after having been notified in writing of the unsafe and dangerous character of said building, and if such use and occupancy shall continue for a period as much as 30 days without remedying the conditions complained of to the satisfaction of the commissioner of insurance or the chief of the fire department of the city in which the building is located, such person shall be guilty of a misdemeanor and shall pay a fine of not less than $10.00 nor more than $50.00 for each day of such continued use and occupancy after the expiration of such 30 day period following such notice. *Provided* that such 30 day period may be enlarged (for good cause shown) by the commissioner of insurance or by the chief of the fire department of the city in which the building is located to such time as in his discretion he may find proper.

Notice of unsafe character.

Punishment for removing condemnation notice from building.

69-37. Penalty for Removing Notice from Condemned Building. If any person, except by authority by the Insurance Commission, shall remove any condemnation notice which has been affixed to any hotel or other building of like occupancy, he shall be guilty of a misdemeanor and shall be fined not less than $10.00 nor more than $50.00 for each offense.

Construction of Article.

69-38. Construction of Article. Nothing in this Article shall be construed to limit powers granted to and duties imposed upon the chiefs of fire departments and building inspectors by Article 11, Chapter 160 of the General Statutes of North Carolina, but the powers granted in this Article shall be in addition thereto.

Partial invalidity provision.

SEC. 2. If any portion, sentence, clause or phrase of this Article shall be held to be unconstitutional by any court of competent jurisdiction, then such holding shall not be deemed to affect the validity of the remaining portions of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after September 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 166 **CHAPTER 1067**

AN ACT TO MAKE THE STREETS AND HIGHWAYS OF NORTH CAROLINA SAFE FOR PEDESTRIANS AND THE MOTORING PUBLIC.

The General Assembly of North Carolina do enact:

PART I

Declaration of State policy as to safety of streets and highways for pedestrians and motorists.

SECTION 1. Fully cognizant of the fact that the preservation of human life is a sacred duty and obligation of the Legislative, the Judicial, and the Executive branches of the Government, the General Assembly hereby recognizes the following rights, privileges, and duties, and makes the following declarations of policy:

(a) Each of the citizens of the State of North Carolina has the right and privilege of using the streets and highways of the State either as a pedestrian or a motorist or both, without needless exposure to accident, injury, or death occasioned by the reckless or otherwise unlawful operation by others of vehicles over or upon said streets and highways;

(b) The right and privilege of any person to use the streets and highways of the State is, however, subject to the right and privilege of other persons to use said streets and highways in a safe, lawful, sane, and prudent manner;

(c) In order to secure to law-abiding and prudent pedestrians and motorists the full enjoyment of the right and privilege herein declared to exist, those operators of vehicles who are heedless of the duties and obligations imposed upon them and unmindful of the rights of others shall be barred from the streets and highways of the State;

Purpose of Act.

(d) To guarantee to motorists and pedestrians the safe use of the streets and highways of the State is the purpose of the General Assembly in enacting this Act.

PART II

Inspection of motor vehicles, 1948.

Semi-annual inspections commencing Jan. 1, 1949.

SECTION 2. (a) During the year 1948 every motor vehicle, trailer, and semi-trailer registered in the State shall be inspected one time by the Department of Motor Vehicles and an official certificate of inspection and approval obtained for each such vehicle. Commencing January 1st, 1949, and each year thereafter every motor vehicle, trailer, semi-trailer registered in this State shall be inspected semiannually by the Department of Motor Vehicles and an official certificate of inspection and approval obtained for each such vehicle. The terms "motor vehicle", "trailer", "semi-trailer" shall have the meanings re-

Definition of terms.

spectively prescribed to them by G. S. 20-38, except that "motor vehicle" shall not include trackless trolleys. Hereafter in this part the term "vehicle" shall be construed as including each of said terms.

Nature of inspection.

Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes, and equipment of every such vehicle as shall be designated by the Department of Motor Vehicles.

Rules and regulations.

The Commissioner of Motor Vehicles is hereby authorized to make necessary rules and regulations for the administration and enforcement of this part, and to designate any period or periods of time during which owners of any vehicles subject to this part shall display upon such vehicles certificates of inspection and approval or shall produce the same upon demand of any authorized officer or employee of the Department of Motor Vehicles or any police officer.

Recognition of inspection certificates issued by other States.

(b) The acceptance in this State of a certificate of inspection and approval issued in another state having an inspection law similar to this part may be authorized, and the time may be extended within which a certificate shall be obtained by the resident owner of a vehicle which was not in this State during the time an inspection was required.

Suspension of registration of vehicle found in unsafe condition.

(c) The registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety or which, after notice and demand, is not equipped as required in this part, or for which a required certificate has not been obtained, may be suspended.

Establishment of permanent or temporary inspection stations.

SEC. 3. For the purpose of making inspections and issuing official certificates of inspection and approval as provided herein, there shall be established such permanent or temporary stations of the Department of Motor Vehicles and such equipment provided, either stationary or movable from place to place, as may be necessary and suitable for such purposes. The department shall exert its best efforts to locate said stations so as to save time, travel, and expense on the part of vehicle owners. The Department of Motor Vehicles shall publicize the location of all stations or other places where, and the times when, official certificates of inspection and approval may be obtained.

Location of stations.

Publicity given to locations.

Misrepresentation of place as official inspection station, prohibited.

SEC. 4. (a) No person, firm or corporation shall in any manner represent any place as an official inspection station unless such station is operated by the Department of Motor Vehicles,

and no person other than a duly authorized officer or employee of the Department of Motor Vehicles shall issue a certificate of inspection and approval.

Certificates issued only by authorized person.

(b) No person, firm, or corporation shall operate or permit to be operated over the streets or highways of this State after January 1st, 1949, any vehicle which has not been submitted to an inspection as required herein and/or in the rules and regulations promulgated by the Commissioner of Motor Vehicles pursuant to authority granted herein.

Operation of vehicle, after certain date, without inspection, prohibited.

(c) No person, firm or corporation shall operate or permit to be operated over the streets or highways of this State any vehicle which has been submitted to an inspection under this part and found to be in an unsafe condition, unless such vehicle is repaired or the defect is corrected and the same is subsequently found upon inspection to be in a safe condition.

Operation of vehicle found unsafe, without correcting defects, prohibited.

SEC. 5. (a) No person, firm or corporation shall make, issue, or knowingly use any imitation or counterfiet of an official certificate of inspection and approval.

Counterfeit inspection certificates, prohibited.

(b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

SEC. 6. (a) For each inspection of a vehicle made under the provision of this part during the years 1948 and 1949, the owner of such vehicle shall pay to the authorized agent of the Department of Motor Vehicles assigned to the inspection station at which such vehicle is inspected, a fee of one dollar ($1.00) and thereafter for each inspection of a vehicle made under the provisions of this part, the owner of such vehicle shall pay seventy-five cents (75c); and additional inspections may be had without cost to the owner at any time during the six-month's period for which the inspection fee has been paid, upon presentation to an inspection station of the vehicle for which such inspection fee was paid: *Provided,* that farm trailers of not more than 2,500 pounds gross weight and publicly owned vehicles, whether owned by the State or an agency thereof, a county or an agency thereof, or a municipal corporation or an agency thereof, shall be inspected by the Department of Motor Vehicles without the payment of any fee therefor.

Inspection fees.

Certain free inspections.

(b) The fees collected for the inspection of vehicles shall be placed in a special fund to be known as the "motor vehicle inspection fund" and shall be used, except as provided in the next Section, only for the purpose of carrying on the program inaugurated by this part. Expenditures and disbursements from the "motor vehicle inspection fund" shall be made under the

Motor vehicle inspection fund.

Use of funds.

Supervision of disbursements.

supervision and direction of the Assistant Director of the Budget in the same way and manner that expenditures and disbursements from other special funds are made.

Appropriation from Highway Fund to defray initial costs of administration.

SEC. 7. There is hereby appropriated out of the Highway Fund the sum of three hundred thousand dollars ($300,000.00) to be expended and disbursed under the supervision of the Assistant Director of the Budget to defray the initial costs and expenses of administering this part. Said three hundred thousand dollars ($300,000.00) shall be repaid to the Highway Fund from the "motor vehicle inspection fund" herein provided for. Said three hundred thousand dollars ($300,000.00) shall be repaid in such installments as will leave in the "motor vehicle inspection fund" sufficient funds to administer this part properly.

Repayment.

Punishment for violations of Part II.

SEC. 8. Any person, firm, or corporation violating any of the provisions of this part shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

Effective date of Part II.

SEC. 9. This part shall be in full force and effect from and after July 1st, 1947, except that no vehicle shall be required to be submitted to an inspection prior to January 1st, 1948. The purpose in making this part effective as of July 1st, 1947, is to authorize the Commissioner of Motor Vehicles to make all necessary arrangements for the administration of this part when the inspection features become effective on January 1st, 1948. The appropriation herein made shall be available to the Commissioner of Motor Vehicles on July 1st, 1947.

Date appropriation available.

PART III

G. S. § 20-7, rewritten.

SEC. 10. Section 20-7 of the General Statutes is hereby rewritten to read as follows:

SECTION 20-7. Operators' and chauffeurs' licenses; expiration; examinations; fees.

Operators' and chauffeurs' licenses.

(a) No person except those expressly exempted under Section 20-8 shall operate a motor vehicle upon any highway in this State unless such person upon application has been licensed as an operator or chauffeur by the department under the provisions of this Article: *Provided,* that any person over sixteen (16) years of age who has not been refused such license or who has not had such license suspended or revoked may, for a period of not exceeding thirty days, operate a motor vehicle, during daylight hours, while under the instruction of and accompanied by a licensed operator or chauffeur, who shall have full control of and responsibility for the motor vehicle as provided by law.

Operation of vehicle without license while under instruction.

(b) Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the department. Form of application for license.

(c) No person shall hereafter be issued an operator's license until it is determined that such person is physically and mentally capable of safely operating motor vehicles over the highways of the State. In determining whether or not a person is physically and mentally capable of safely operating motor vehicles over the highways of the State, the department shall require such person to demonstrate his capability by passing an examination, which may include road tests, oral and in the case of literate applicants written tests, and tests of vision, as the department may require. Examination of applicants.

(d) The department shall cause each person who has heretofore been issued an operator's license to be examined or re-examined, as the case may be, to determine whether or not such person is physically and mentally capable of safely operating motor vehicles over the highways of the State. Those persons found, as a result of such examination or re-examination, to be capable of safely operating motor vehicles over the highways of the State shall be reissued operators' licenses; and those persons found to be incapable of safely operating motor vehicles over the highways of the State shall not be reissued operators' licenses. The examination required by this Subsection may include such road tests, oral and in the case of literate applicants written tests, and tests of vision, as the department may require. The department may once reissue operators' licenses without examination to licensed operators who have passed an operator's examination given by the department subsequent to July 1st, 1945, and prior to July 1st, 1947. Authority of Department to require re-examination.

License not reissued to persons found incapable.

Nature of examination.

Reissuance without examination to certain operators.

(e) The department is hereby authorized to grant unlimited licenses or licenses containing such limitations as it may deem advisable. If any applicant shall suffer from any physical defect or disease which affects his or her operation of a motor vehicle, the department may require to be filed with it a certificate of such applicant's condition signed by some medical authority of the applicant's community designated by the department. This certificate shall in all cases be treated as confidential. Nothing in this Subsection shall be construed to prevent the department from refusing to issue a license, either limited or unlimited, to any person deemed to be incapable of operating a motor vehicle with safety to himself and to the public: *Provided,* that nothing herein shall prohibit deaf persons from operating motor vehicles who in every other way meet the requirements of this Section. Limited licenses authorized.

Power of Department to require medical certificates.

Issuance of licenses to deaf persons, otherwise capable.

Expiration of operators' licenses.

(f) The operators' licenses issued under this Section shall automatically expire on the birthday of the licensee in the fourth year following the year of issuance; and no new license shall be issued to any operator after the expiration of his license until such operator has again passed the examination specified in this Section.

Annual renewal of chauffeur's license.

(g) Every chauffeur's license shall expire June 30th of each year and shall be renewed annually, after an examination, which may include road tests, oral and in the case of literate applicants written tests, and tests of vision, as the department may require:

Right to waive examination.

Provided, that the Commissioner of Motor Vehicles may, in proper cases, waive the examination required by this Subsection.

Power to require examination upon information of change of physical or mental condition.

(h) Upon receipt of information that the physical or mental condition of any person has changed since his or her examination for an operator's or chauffeur's license and before a new examination is required by this Section, the department may, after ten (10) days written notice, require such person to take another examination to determine his or her capability to operate safely motor vehicles over the highways of the State. If

Reissuance of license, without fee.

such person is found to be capable of safely operating vehicles over the highways of the State, license shall be reissued to him or her and no fee shall be collected by the department for such

Reissuance withheld upon finding person incapable.

examination and reissuance of license. If such person is found to be incapable of safely operating vehicles over the highways of the State, no license shall be issued or reissued to him or her unless such person shall subsequently pass an examination given by the department.

Fee for examination and issuance of license.

(i) For the examination and issuance or reissuance of an operator's or chauffeur's license or the reissuance of an operator's or chauffeur's license without an examination, the licensee shall pay to the department a fee of two dollars ($2.00).

Operators' and Chauffeurs' License Fund.

(j) The fees collected under this Section and Section 20-14 shall be placed in a special fund to be designated the "Operators' and Chauffeurs' License Fund" and shall be used under

Use of funds.

the direction and supervision of the Assistant Director of the Budget for the administration of this Section.

Punishment for violations.

(k) Any person operating a motor vehicle in violation of this Section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in this Section.

Temporary learner's permit.

(l) Any person who, except for lack of instruction in operating a motor vehicle would be qualified to obtain an operator's license under this Article, may apply for a temporary learner's permit, and the department shall issue such permit, entitling

the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of thirty (30) days, during daylight hours. Any such learner's permit may be renewed, or a new permit issued, for an additional period of thirty (30) days. Such person must, while operating a motor vehicle over the highways, be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

Renewal of permit.

Learner accompanied by licensed operator.

(m) The punishment for a violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) or imprisonment for not less than thirty (30) days, or both such fine and imprisonment, in the discretion of the court.

Punishment for violations.

SEC. 11. Section 20-13 and 20-36 of the General Statutes are hereby repealed as of July 1st, 1947.

G. S. §§ 20-13 and 20-36, repealed.

SEC. 12. This part shall be in full force and effect from and after July 1st, 1947.

Effective date of Part III.

PART IV

SEC. 13. Amend Section 20-16 of the General Statutes by adding to Subsection (a) thereof, two new paragraphs, to be numbered 9 and 10, and to read as follows:

G. S. § 20-16, amended, as to authority of Department to cancel license.

9. Has, within one (1) year, been convicted of two or more charges of speeding in excess of fifty-five (55) and not more than seventy-five (75) miles per hour, or of one or more charges of reckless driving and one or more charges of speeding in excess of fifty-five (55) and not more than seventy-five (75) miles per hour.

10. Has been convicted of operating a motor vehicle at a speed in excess of seventy-five (75) miles per hour.

SEC. 14. Amend Section 20-17 of the General Statutes by striking out "(a)" preceding the first sentence of said Section.

G. S. § 20-17, amended, as to mandatory revocation of licenses.

Further amend Section 20-17 of the General Statutes by striking out all of Subsection (b) thereof.

SEC. 15. Rewrite Section 20-19 of the General Statutes to read as follows:

G. S. § 20-19, amended.

SECTION 20-19. Period of suspension or revocation.

Period of suspension or revocation.

(a) When a license is suspended under paragraph 9 of Section 20-16, the period of suspension shall be not less than sixty (60) days nor more than six (6) months, as may seem just and proper to the department.

(b) When a license is suspended under paragraph 10 of Section 20-16, the period of suspension shall be not less than six months and not more than one year.

(c) When a license is suspended under any other provision of law, the period of suspension shall be not more than one year.

(d) When a license is revoked because of a second conviction for driving under the influence of intoxicating liquor or a narcotic drug, the department shall not grant application for a new license until the expiration of three years.

(e) When a license is revoked because of a third or subsequent conviction for driving under the influence of intoxicating liquor or a narcotic drug, the department shall never grant application for a new license: *Provided,* that the department may, after the expiration of five years, grant an application for a new license upon satisfactory proof that the former licensee has been of good behavior for the past five years, and that his conduct and attitude is such as to entitle him to favorable consideration.

(f) When a license is revoked for any other reason, the department shall not grant application for a new license until the expiration of one year.

G. S. § 20-28, amended.

SEC. 16. Rewrite Section 20-28 of the General Statutes to read as follows:

SECTION 20-28. Unlawful to drive while license suspended or revoked.

Unlawful to drive while license suspended or revoked.

(a) Any person whose operator's or chauffeur's license has been suspended or revoked other than permanently, as provided in this Article, who shall drive any motor vehicle upon the highways of the State while such license is suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two hundred dollars ($200.00) or imprisonment in the discretion of the court, or both such fine and imprisonment. In addition, the defendant's license shall be suspended or revoked, as the case may be, for an additional period of double the period of the suspension or revocation in effect at the time of his or her apprehension for a violation of this Section.

(b) Any person whose license has been permanently revoked, as provided in this Article, who shall drive any motor vehicle upon the highways of the State while such license is permanently revoked shall be guilty of a misdemeanor and shall be imprisoned for not less than one year.

SEC. 17. Rewrite Section 20-141 of the General Statutes to read as follows: G. S. § 20-141, amended.

SECTION 20-141. Speed restrictions. Speed restrictions.

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing. Reasonable speed under existing conditions.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

1. Twenty miles per hour in any business district; Speed in business district.

2. Thirty-five miles per hour in any residential district; Speed in residential district.

3. Forty-five miles per hour in places other than those named in paragraph 1 and 2 of this Subsection for vehicles other than passenger cars, regular passenger vehicles, pick-up trucks of less than one ton capacity, and school busses loaded with children; Speed in other places for certain vehicles.

4. Fifty-five miles per hour in places other than those named in paragraphs 1 and 2 of this Subsection for passenger cars, regular passenger carrying vehicles, and pick-up trucks of less than one ton capacity. Speed, passenger cars, etc.

(c) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. Duties of drivers, regardless of speed limits.

(d) Whenever the State Highway and Public Works Commission shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commission shall determine and declare a reasonable and safe speed limit thereat, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway. Power of State Highway and Public Works Commission to regulate speeds.

(e) The foregoing provisions of this Section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident. Burden of proof of negligence in civil actions.

Powers of local authorities to regulate speeds.

(f) Whenever local authorities within their respective jurisdictions determine, upon the basis of an engineering and traffic investigation, that the speed permitted under this Article at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority shall determine and declare a reasonable and safe speed limit thereat, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

Power to permit higher speeds.

(g) Local authorities in their respective jurisdictions may, in their discretion, authorize by ordinance higher speeds than those stated in Subsection (b) hereof upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections: *Provided,* that signs are erected giving notice of the authorized speed.

Local authorities not authorized to modify basic rules.

Local authorities shall not have authority to modify or alter the basic rules set forth in Subsection (a) herein, nor in any event to authorize by ordinance a speed in excess of fifty miles per hour.

Slow speeds prohibited under certain conditions.

Direction of drivers by police officers.

(h) No person shall drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of wilful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

Designation of truck routes.

(i) The State Highway and Public Works Commission shall have authority to designate and appropriately mark certain highways of the State as truck routes.

Punishment for violations.

(j) Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall be punished as provided in Section 20-180.

G. S. § 20-179, amended.

SEC. 18. Rewrite Section 20-179 of the General Statutes to read as follows:

Punishment for driving while under influence of intoxicants or narcotics.

SECTION 20-179. Penalty for driving while under the influence of intoxicating liquor or narcotic drugs. Every person who is convicted of violating Section 20-138, relating to habitual users of narcotic drugs or driving while under the influence of intoxicating liquor or narcotic drugs, shall, for the first offense, be punished by a fine of not less than one hundred dollars ($100.00) or imprisonment for not less than thirty (30) days, or by both such fine and imprisonment, in the discretion of

the court. For a second conviction of the same offense, the defendant shall be punished by a fine of not less than two hundred dollars ($200.00) or imprisonment for not less than six months, or by both such fine and imprisonment, in the discretion of the court. For third or subsequent conviction of the same offense, the defendant shall be punished by a fine of not less than five hundred dollars ($500.00) or by both such fine and imprisonment in the discretion of the court.

G. S. § 20-180, amended.

SEC. 19. Rewrite Section 20-180 of the General Statutes to read as follows:

Punishment for speeding and reckless driving.

SECTION 20-180. Penalty for speeding and reckless driving. Every person convicted of violating Section 20-140 or Section 20-141 shall be guilty of a misdemeanor.

G. S. § 20-188, 1945 Supplement, amended, as to duties of Highway Patrol.

SEC. 20. Section 20-188 of the General Statutes (1945 Cumulative Supplement) is hereby amended by inserting a period after the word "highway" in line 7 of the last paragraph thereof and by striking out the remainder of said paragraph.

Effective date of Part IV.

SEC. 21. This part shall be in full force and effect from and after July 1st, 1947.

PART V

Conflicting laws repealed.

SEC. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effect on existing laws.

SEC. 23. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing laws of the State shall be and continue in full force and effect with respect to all acts done, committed, or occurring prior to the effective dates of the respective parts or Sections of this Act affected or which ought to be affected by their terms and provisions and with respect to all liabilities, penalties, and punishments incurred or which ought to have been incurred with respect to said acts done, committed, or occurring prior to the effective dates of the respective parts or Sections of this Act.

Construction of Act as to meaning of prior convictions.

SEC. 24. When in any part or Section of this Act a greater or higher punishment, penalty, or loss of rights or privileges is imposed for a second or subsequent conviction of any offense than is imposed for a first conviction of such offense, no conviction occurring prior to the effective date of the part or Section under which the punishment, penalty, or loss of rights or privileges is to be imposed shall be considered as a prior convicton of such offense in determining whether or not the conviction under any part or Section of this Act is a second or subsequent conviction of such offense.

Partial invalidity provision.

SEC. 25. If any part, Section, or Subsection, of this Act is declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not have the effect of declaring or making unconstitutional or invalid any other part, Section, or Subsection of this Act not directly at issue before said court; and the General Assembly hereby declares that it is its intent that in such event, the remainder of this Act shall continue in full force and effect.

Effective date of Act.

SEC. 26. Except as otherwise expressly provided herein, this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 181 CHAPTER 1068

AN ACT TO AMEND SECTION 246, CHAPTER 58, GENERAL STATUTES OF NORTH CAROLINA WITH REFERENCE TO NORTH CAROLINA AUTOMOBILE RATE ADMINISTRATIVE OFFICE.

The General Assembly of North Carolina do enact:

G. S. § 58-246, amended, as to powers of N. C. Automobile Rate Administrative Bureau.

SECTION 1. That Section 246, Chapter 58, General Statutes of North Carolina be, and the same hereby is amended by adding a new Sub-section to read as follows:

Rates for motor vehicle liability and property damage insurance required by law.

(d) The bureau shall not have authority to maintain rules and regulations nor fix rates for bodily injury and property damage insurance for operators of motor vehicles who are required by law to carry any such insurance.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 222 **CHAPTER 1069**

AN ACT TO AMEND CHAPTER 63 OF THE GENERAL STATUTES SO AS TO ENABLE THE NORTH CAROLINA STATE AERONAUTICS COMMISSION TO SUPERVISE AND REGULATE THE OPERATION OF AIRPORTS AND TO ESTABLISH MINIMUM SAFETY REQUIREMENTS THEREFOR.

The General Assembly of North Carolina do enact:

G. S. § 63-41, 1945 Supplement, amended.

SECTION 1. Section 4 of Chapter 198 of the Session Laws of 1945, the same being Section 63-41 of the General Statutes as set out in the General Statutes Supplement, is hereby amended to read as follows:

Powers of N. C. State Aeronautics Commission as to establishment of airports.

(a) Establishing airports. The commission is empowered and directed to encourage, foster, and assist in the development of aeronautics in this State and to encourage the establishment of airports and other air navigation facilities.

Rules, regulations, and standards.

(b) Rules, regulations and standards. It may also perform such acts, issue and amend such orders, and make, promulgate, and amend such reasonable general rules, regulations, and procedure, relating to the location and minimum safety requirements for airports, as it may deem necessary to carry out the provisions of this Chapter and to perform its duties hereunder: All commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons receiving instruction concerning or operating, using or traveling in aircraft, and of persons and property on land or water, and in conformity with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder and rules and standards issued pursuant thereto.

Filing of rules.

(c) Filing of rules. It shall keep on file with the Secretary of State, and at the principal office of the commission, a copy of all its rules and regulations, for public inspection.

Approval of airports.

(d) Approval of airports. The commission may also by regulation require that all proposed airports, which will be open to the public, shall be first approved by the commission before they, or any of them, shall be used or operated to insure that the property and its use shall conform to minimum standards of safety and shall serve public interest.

Hearings on applications for certificates of approval of airports.

(e) Hearings on applications for certificates. If and when the commission adopts regulations requiring the approval of all airports and the commission makes an order granting or denying a certificate of approval of an airport, and the applicant or any interested municipality, within 15 days after

notice of such order has been sent the applicant by registered mail, demands a public hearing, or whenever the commission desires to hold a public hearing before making an order, such a public hearing in relation thereto shall be held in the municipality applying for the certificate of approval, or in case the application was made by anyone other than a municipality, at the county seat of the county in which the proposed airport is proposed to be situated. At such hearing parties in interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be published by the commission in a newspaper of general circulation in the county in which the hearing is to be held, at least twice, the first publication to be at least 15 days prior to the date of hearing. If no newspaper is published in such county, the notice shall be posted at the courthouse door and at two other public places at least 15 days prior to the hearing. After a proper and timely demand has been made the order shall be stayed until after the hearing, when the commission may affirm, modify or reverse it, or make a new order. If no hearing is demanded as herein provided, the order shall become effective upon the expiration of the time permitted for making a demand.

Place of hearing.

Publication of notice of hearing.

Standards for issuing certificates of approval.

(f) Standards for issuing certificates of approval. In determining whether it shall issue a certificate of approval for the use or operation of any proposed airport, the commission shall take into consideration its proposed location, size and layout, the relationship of the proposed airport or restricted landing area to a comprehensive plan for state-wide and nation-wide development, the depreciation of surrounding properties, whether there are safe areas available for expansion purpose, whether the adjoining area is free from obstructions based on proper glide ratio, the nature of the terrain, the nature of the uses to which the proposed airport or restricted landing areas will be put, and the possibilities for future development.

Exceptions.

(g) Exceptions. The provisions of this Section shall not apply to restricted landing areas designed for personal use. This Section shall not apply to any airport being operated on May 1st, 1947. No rule or regulation of the commission shall apply to airports or air navigation facilities owned or operated by the United States Government.

Revocation of certificate of approval.

(h) Revocation of certificate of approval. The commission is empowered to temporarily or permanently revoke any certificate of approval issued by it when it shall determine that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of this Chapter and the rules and regulations lawfully promulgated pursuant thereto.

(i) Orders of commission; review. Any person aggrieved by an order of the commission, may have the action of the commission reviewed by the courts of this State in the manner provided for the review of the orders of the State Utilities Commission and rules of law applicable to such reviews shall apply. Review of orders of Commission.

(j) Unlawful to violate Section. It shall be unlawful for any person or any municipality or other political Subdivision of the State, or any officer, agent, or employee thereof to operate any airport in violation of any of the provisions of this Section. Violations of Section unlawful.

SEC. 2. Section 63-39 of the General Statutes is hereby amended by adding the following sentence at the end thereof: G. S. § 63-39, amended.

The commission is further empowered to appoint a secretary who shall be entitled to the per diem expenses herein authorized for members of the commission. Appointment and per diem expenses of Secretary of Commission.

SEC. 3. Section 63-14 of the General Statutes, relating to absolute liability, is hereby repealed. G. S. § 63-14, as to absolute liability, repealed.

SEC. 4. All laws and clauses in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 386 CHAPTER 1070

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO MAKE CHAPTER 20 OF THE GENERAL STATUTES, RELATING TO MOTOR VEHICLES, APPLICABLE IN THE USE OF THE STREETS, ALLEYS AND DRIVEWAYS ON THE GROUNDS OF THE UNIVERSITY OF NORTH CAROLINA AND TO AUTHORIZE THE UNIVERSITY TRUSTEES TO ADOPT TRAFFIC REGULATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Article 1 of Chapter 116 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following Section 116-44, to be numbered Section 116-44.1, as follows: G. S., Ch. 116, Art. 1, amended.

Application of certain laws regulating operation of motor vehicles, to streets, alleys, etc., on campuses of U. N. C.

116-44.1 (a) All the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are hereby made applicable to the streets, alleys and driveways on the campuses of the University of North Carolina. Any person violating any of the provisions of said Chapter in or on such streets, alleys or driveways shall, upon conviction thereof, be punished as therein prescribed. Nothing herein contained shall be construed as in any way interfering with the ownership and control of such streets, alleys and driveways on the campuses of the University of North Carolina as is now vested by law in the trustees of the University of North Carolina.

Power of Board of Trustees, U. N. C., to make additional rules, regulations, ordinances.

(b) The Board of Trustees of the University of North Carolina is authorized to make such additional rules and regulations and adopt such additional ordinances with respect to the use of the streets, alleys, driveways, and to the establishment of parking areas on such campuses not inconsistent with the provisions of Chapter 20, General Statutes of North Carolina, as in its opinion may be necessary. All regulations and ordinances adopted pursuant to the authority of this Subsection shall be recorded in the proceedings of the board and printed, and copies of such regulations and ordinances shall be filed in the Office of the Secretary of State of North Carolina. Any person violating any such regulations or ordinances shall, upon conviction thereof, be guilty of a misdemeanor, and shall be punishable by a fine of not exceeding fifty dollars ($50.00) or imprisonment for not exceeding 30 days.

Regulations, etc., recorded in office of Secretary of State.

Punishment for violations of regulations, etc.

Notice of speed limits, parking laws, posted.

(c) The Board of Trustees of the University of North Carolina shall cause to be posted at appropriate places on the campuses of the University notice to the public of applicable speed limits and parking laws and ordinances.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 449 CHAPTER 1071

AN ACT RELATING TO FISHING IN EDGECOMBE COUNTY

The General Assembly of North Carolina do enact:

Taking shad and herring with skim or gill nets during certain season in certain creeks, Edgecombe County, made lawful.

SECTION 1. Notwithstanding any other statutes of this State or the regulations of any department, agency or bureau of the State, it shall be lawful for shad and herring to be taken with skim or gill nets of not less size bar than 1½ inches at any time Thursday, Friday and Saturday from April 1st to June 15th of any year in Fishing Creek, Town Creek, Swift Creek, Conetoe Creek, and Deep Creek, wherever said creeks border on or run through or across Edgecomb County: *Provided,* that no nets or combination of nets of any description shall be so set or used as to extend across or obstruct more than two-thirds (⅔) of the width of any such stream.

Restriction.

Act not affected by State agency regulations.

SEC. 2. The provisions of this Act shall not be changed by any rule or regulation promulgated by any State department, board, bureau or other agency.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 465 CHAPTER 1072

AN ACT TO PROVIDE FOR THE HOLDING OF PRIMARIES FOR NOMINATION OF CANDIDATES FOR MUNICIPAL ELECTIONS IN THE TOWN OF WHITAKERS, IN NASH AND EDGECOMBE COUNTIES.

The General Assembly of North Carolina do enact:

Nomination of candidates for office, Town of Whitakers.

SECTION 1. That all candidates to be voted for at the general municipal elections in the Town of Whitakers, in Nash and Edgecombe Counties, shall be nominated by a primary, and no other names shall be printed upon the ballots for the general municipal election except those nominated in said primary in the manner hereinafter prescribed, or as provided for in Section 7 hereof.

Conduct of municipal primary.

SEC. 2. The municipal primiary shall be held on the second Monday preceding the general municipal election, and the registrar and judges of election appointed for the general muni-

cipal election shall also be registrar and judges at said primary, and the said primary shall be held under the same rules and regulations, at the same place, and during the same hours as are provided for the general municipal election.

Statement of candidacy.

SEC. 3. Any qualified elector of the town desiring to become a candidate for nomination in the primary for the office of mayor or member of the board of commissioners shall, at least ten days prior to the date of the primary, file with the town clerk a statement in writing of such candicacy and pay to the clerk such filing fee as may be prescribed by the board of commissioners not to exceed five dollars.

Filing fee.

Names of candidates as to appear on primary ballots, posted.

SEC. 4. Immediately upon the expiration of the time for filing said notices of candidacy, the clerk shall cause to be posted at the town hall and three other public places within the town the names of the candidates as they are to appear on the primary ballots, *provided* the failure to post said names as herein required shall not effect the validity of the primary.

Printing of ballots.

SEC. 6. The clerk shall thereupon cause a sufficient quantity of primary ballots to be printed authenticated with a fascimile of his signature, and upon the ballots the names of the candidates shall be arranged alphabetically, and the ballots shall

Form of ballots.

be substantially in the following form:

OFFICIAL PRIMARY BALLOT

Candidates for nomination for Mayor and members of Board of Commissioners of the Town of Whitakers, North Carolina, at the municipal primary.

(Place an X mark in the square preceding the names of persons you favor for the respective offices.)

FOR MAYOR
(Vote for one)

☐ (names of candidates)

FOR MEMBERS OF BOARD OF COMMISSIONERS
(Vote for five)

☐ (names of candidates)

This———day of————, 194—

Town Clerk

Determination of candidates nominated in primary.

SEC. 6. The two candidates for mayor and the ten candidates for members of the board of commissioners receiving the high-

est number of votes in said primary shall be the candidates for their respective offices in the general municipal election.

Circumstances under which no primary held.

SEC. 7. In the event that not more than two candidates file for mayor and ten or less candidates file for commissioners, there shall be no primary, but the names of the candidates so filing shall be deemed candidates for the general election, and their names shall be printed upon the general election ballots as candidates for their respective offices.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 475 **CHAPTER 1073**

AN ACT TO AMEND S. B. 181, 1947 SESSION, WITH REFERENCE TO THE NORTH CAROLINA AUTOMOBILE RATE ADMINISTRATIVE OFFICE.

The General Assembly of North Carolina do enact:

Ch. 1068, Session Laws, 1947, amended.

SECTION 1. That Section 1 of S. B. 181, 1947 Session, entitled, "A Bill to be Entitled an Act to Amend Section 246, Chapter 58, General Statutes of North Carolina With Reference to North Carolina Automobile Rate Administrative Office," be, and the same hereby is, amended by adding at the end of Subsection (d) as set out in said Senate Bill the following:

G. S. § 58-246 (d), not applicable to certain passenger cars and taxicabs.

The provisions of this Subsection (d) shall not apply to private passenger cars or taxicabs required by law to carry bodily injury and property damage insurance.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 587 **CHAPTER 1074**

AN ACT AUTHORIZING THE TOWN OF CLINTON TO ESTABLISH, REGULATE, OPERATE, AND CONTROL MARKETS FOR THE SALE OF PRODUCE, LIVESTOCK, POULTRY AND COTTON BOTH WITHIN AND WITHOUT THE CORPORATE LIMITS OF SAID MUNICIPALITY.

Preamble:

Location of and facts about Town of Clinton.

WHEREAS, the Town of Clinton is located in a large and populous agricultural section of the State in which is raised for local consumption and for sale and consumption in other states large quantities of foods of all kinds, including fruits and vegetables; and

Produce market center.

WHEREAS, the Town of Clinton is the marketing center for a large portion of these products; and

Need for inspection, etc., of food products.

WHEREAS, in order to protect the health of its own citizens and those of other communities in this and other states who consume these products, it is necessary that the said food products be inspected, graded, and packed; and

Necessity for regulation of sales of farm produce; regulation of markets.

WHEREAS, in order to promote the agricultural development of farming area in the vicinity of said municipality, and in order to promote, foster and encourage the growth and development of said town and its markets and to maintain, protect and preserve the health, safety, general welfare, and good order of the citizens of said town, it is necessary for the sale of said farm produce to be controlled and regulated, and for adequate, sanitary, and efficient modern markets to be established and operated for such purposes; and

Necessity for exercise of certain powers by Town of Clinton.

WHEREAS, it is declared as a matter of legislative determination that it is necessary for the Town of Clinton to have and exercise the powers conferred upon it by this Act: *Now, therefore,*

The General Assembly of North Carolina do enact:

Definitions.

SECTION 1. The following terms, whereever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Produce."

(1) "Produce" shall mean fruits, vegetables, and edible agricultural products of all kinds in the raw state.

"Market" and "Markets."

(2) "Market" and "Markets" shall mean a place for the sale of produce and cotton, or anyone or more of said items, but shall not include stands, stores, or shops operated by regularly licensed merchants handling other food products where produce is sold at retail for consumption by the said mer-

chant's customers; nor shall such terms include a farm or farm unit where such item offered for sale are actually grown or raised by the seller.

Powers of governing body, Town of Clinton, as to establishment and regulation of produce markets, etc.

SEC. 2. In order to carry out the purposes of this Act, the Town of Clinton, through its board of commissioners, shall have full power and authority to do any and all of the following:

(1) Establish and regulate markets;

(2) To erect on such sites warehouses, sheds, and such other buildings as are necessary or convenient for the operation of such markets;

(3) To require that all produce sold in the area hereinafter defined be inspected, graded, weighed, packed, and cleaned;

(4) To require that all produce sold in the area hereinafter defined be sold through the markets established hereunder; *Provided,* that this Subsection shall not apply to sales by merchants or growers at retail for consumption by their customers, to sales by the grower or producer or by a wholesaler or retailer to wholesale or retail merchants of produce for re-sale at retail in the said area, nor to sales by the grower or producer on his farm in said area of produce actually grown on said farm;

(5) To prescribe the methods of sale at such market; and where deemed advisable to require that all items (except cotton) regulated under the authority hereof be sold at auction;

(6) To rent or lease space to buyers and sellers, and to charge or permit to be charged, reasonable fees for grading, inspecting, auctioneering, selling, weighing, and handling the items sold at said market;

(7) To operate said markets; and for the purpose of operating the same, the said municipality is expressly authorized to delegate, under the control, regulation, and rules of its governing body, the operation thereof to nonprofit corporation(s) or association(s), and to pay a reasonable fee for compensation for the supervisory work in connection with such operation.

(8) To have and exercise such other powers and authority, including the enactment of the necessary ordinances, as is reasonably necessary to control, conduct, regulate, establish, operate, maintain, and develop municipal markets for the sale of produce.

(9) To require all cotton sold in the area hereinafter defined to be sold in a market established by such municipality

for such purpose, but this shall not apply to cotton sold in the seed.

Exercise of powers.

SEC. 3. The powers granted by this Act may be exercised within the corporate limits of the Town of Clinton or within the area contained in a radius of one mile of the corporate limits of said municipality. *Providing* the municipality may rent, lease or purchase sites for a market, but the power of eminent domain shall not apply or be enforceable beyond the corporate limits of the Town of Clinton, *provided further* that nothing in this Section shall affect any pending proceeding or litigation.

Regulation of tobacco sales and warehouses, excepted.

SEC. 4. That nothing in this Act shall give the municipality any power to regulate tobacco sales or tobacco warehouses or the operation thereof.

Punishment for violations of ordinances enacted pursuant to Act.

SEC. 5. The violation of any ordinance enacted under the authority of this Act shall be a misdemeanor, cognizable in the Mayor's Court of said municipality, and may be punished by a fine of not more than fifty dollars ($50.00), or imprisonment for not more than thirty (30) days for each offense; and the proper local authorities of said municipality in addition

Civil actions to prevent violations.

to all other remedies may institute any appropriate action or proceeding at law or in equity to prevent the unlawful sale of any item or the unlawful operation of any market in violation of such ordinance or ordinances, and may cause to be restrained the violation of such ordinance by civil action in the Superior Court of Sampson County.

Construction of Act.

SEC. 6. This Act shall not have the effect of repealing any local or general statute now in effect, except as to such provisions thereof as are repugnant to or inconsistent herewith; but it shall be construed to be in enlargement of the powers of said municipality.

Effectiveness of Act subject to referendum.

SEC. 7. That this Act shall not become effective until approved by a majority of the voters of the Town of Clinton voting at the regular municipal election to be held therein in May, 1947 as hereinafter provided.

Notice of election.

SEC. 8. That the Board of Commissioners of the Town of Clinton shall give at least 15 days notice of said election on this Act, by advertising the same for two successive weeks in the two weekly papers published in the Town of Clinton and furnish

Ballots.

ballots therefor, on which shall be printed on separate lines for each proposition, "For extending market control" "Against extending market control". Those favoring the extension of market control shall mark in the voting square to the left of the words "For extending market control" on the ballot, and

those opposed to the extension of market control, shall mark in the voting square to the left of the words "Against extending market control". Except as herein provided the election shall be held in connection with the election for Mayor and Board of Commissioners with the same officials. That the vote shall be canvassed and reported to the Board of Commissioners of the Town of Clinton, who shall place the results thereof on the minutes of said board.

Conduct of election.

SEC. 9. If a majority of the votes cast in said election shall be in favor of said Act, as herein set out, then this Act shall become effective within ten (10) days after the result is declared. And if a majority of said voters shall vote against extending market control, then and in that event this Act shall be null and void.

Determination of results of election; effect.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 667 CHAPTER 1075

AN ACT TO PREVENT DISCRIMINATION AND TO REQUIRE REASONABLE PRACTICES IN THE TRANSPORTATION OF FREIGHT.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to the powers and duties conferred upon the North Carolina Utilities Commission by Chapter 62 of the General Statutes of North Carolina, the said North Carolina Utilities Commission is hereby authorized and empowered to require the extension or contraction of the boundaries of the switching limits of any railroad company at any point where the Commission has information that a shipper or a prospective shipper is being discriminated against or subjected to unreasonable practices, or where it would be to the best interest of the shipper or prospective shipper to be included in the switching limits or excluded from the switching limits.

Powers of N. C. Utilities Commission as to boundaries of railroad switching limits.

SEC. 2. Upon the application of any shipper of prospective shipper to be included within the switching limits of a terminal or junction which is served by more than one railroad, the North Carolina Utilities Commission may cause notice to be given to the carrier or carriers serving such terminal. If upon investigation and hearing based upon such application the Commission finds that such shipper or prospective shipper should be within or without the switching limits of the ter-

Applications of prospective shippers to be included within switching limits.

Hearings.

Order of Commission extending switching limits.

minal or junction, then the Commission is authorized and empowered to order the switching limits extended or contracted as the facts may warrant in each case.

Switching limit boundaries to be observed, regardless of character of traffic.

SEC. 3. The boundaries of switching limits which have been or may be established hereunder shall be the boundaries to be observed by the railroad company, carrier or carriers whether or not the traffic moving into said boundaries or out of said boundaries is either interstate or intrastate in character.

Penalties for failure to comply with Commission orders, etc.

SEC. 4. The failure or refusal of any railroad company, carrier or carriers to conform to or obey any decision, rule, regulation or order made by the Commission under the provisions of this Act shall subject said railroad company, carrier or carriers refusing or failing to comply herewith to a penalty of five hundred dollars ($500.00); and each day that such failure or refusal to conform to or obey any decision, rule, regulation or order of the Commission shall subject said railroad company, carrier or carriers to a separate and distinct penalty of five hundred dollars ($500.00), the same to be certified to and prosecuted by the Attorney General as provided in Chapter 62 of the General Statutes of North Carolina.

Prosecutions.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 907 CHAPTER 1076

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF PILOT MOUNTAIN IN SURRY COUNTY TO REFUSE TO ISSUE LICENSE FOR THE SALE OF WINE THEREIN.

The General Assembly of North Carolina do enact:

Sale of wine within certain locality, Surry County, prohibited.

SECTION 1. It shall be unlawful to sell wine within one mile of the Missionary Baptist Church, the Primitive Baptist Church, the Friends Church and the Methodist Church in the town of Pilot Mountain in Surry County.

Punishment for violations.

SEC. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and may be fined or imprisoned in the discretion of the court.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read thre times and ratified, this the 5th day of April, 1947.

H. B. 772 CHAPTER 1077

AN ACT TO AMEND THE SCHOOL MACHINERY ACT OF 1939, AND OTHER PARTS OF THE SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 115-370 of the General Statutes, with reference to workmen's compensation and sick leave, be, and the same hereby is, amended by striking out the following wording: "and such local units shall likewise be liable for workmen's compensation of school employees employed in connection with teaching vocational agriculture, home economics, trades and industrial vocational subjects, supported in part by State and Federal funds, which liability shall cover the entire period of service of such employees." G. S. § 115-370, amended. Workmen's Compensation Act not applicable to certain school employees.

SEC. 2. That the General Statutes, Section 115-351, be amended by striking out the last two words in line 6 (excluding caption) of said Section and the first three words in line 7 of said Section the words "which shall request the same." G. S. § 115-351, amended.

That the General Statutes, Section 15-351, be further amended by inserting after the colon and before the word "Provided" in line 24 (excluding caption) the following: "*Provided further*, that when the operation of any school is suspended no teacher therein shall be entitled to pay for any portion of the suspended term." Teachers not entitled to pay for portion of school term suspended.

That the General Statutes, Section 115-351, be further amended by amending the second paragraph thereof by striking out in line 28 (excluding caption) the words "forty-three" and inserting in lieu thereof the words "forty-seven;" and by striking out in line 29 thereof the words "forty-four" and inserting in lieu thereof the words "forty-eight;" and by striking out the words "forty-four" in line 30 and inserting in lieu thereof the words "forty-eight;" and by striking out the words "forty-five," being the last word in line 30 and the first word in line 31, and inserting in lieu thereof the words "forty-nine." G. S. § 115-351, further amended.

SEC. 3. That the General Statutes, Section 15-352, be amended by inserting at the end of the first paragraph and before the word "It" the following: "School children shall attend school G. S. § 115-352, amended.

Attendance of school children at school within district of residence.

within the district in which they reside unless assigned elsewhere by the State Board of Education."

G. S. § 115-376, amended.

SEC. 4. That the General Statutes, Section 15-376, be amended by inserting after the colon in line 11 thereof and before the word "Provided" the following: "*Provided,* where road, geographic, or other conditions make it inadvisable to offer transportation to any school child entitled to attend the school of any particular district, the State Board of Education is authorized to approve the assignment of such child to such other school as the board may approve; and in lieu of transportation may provide for the payment monthly to the parent or guardian of such child a sum not to exceed $10.00 per month for each school month that such child may attend school outside the district of residence."

Power of State Board of Education to approve assignment of children to another school, in certain cases.

Payments to parents in lieu of transportation by school bus, in certain cases.

G. S. § 115-116, as to holding teachers' meetings, amended.

SEC. 5. That the General Statutes, Section 115-116, with reference to holding teachers' meetings, be, and the same hereby is, amended by placing a period at the end of the clause "organize the teachers into special study groups" and striking out the remainder of the sentence which reads "and, if necessary, not exceeding three school days may be set apart for this purpose."

G. S. § 115-352, 1945 Supplement, as to school organization, amended.

SEC. 6. That the General Statutes, Section 115-352, (1945 Cumulative Supplement) with reference to school organization, be, and the same hereby is, amended by changing the amendment made to the General Statutes, 115-352, by Section 4 of Chapter 970 of the Session Laws of 1945, to read as follows: "*Provided,* that the State Board of Education may, in its discretion, alter the boundaries of any city administrative unit and establish additional city administrative units when, in the opinion of the State Board of Education, such change is desirable for better school administration."

Alteration of boundaries, establishment of additional administrative units.

G. S. § 115-356, as to objects of expenditure, amended.

SEC. 7. That the General Statutes, Section 115-356, with reference to objects of expenditure, be, and the same hereby is, amended by adding at the end of said Section the following: "*Provided further,* that the tax levying authorities in any county administrative unit may levy taxes to provide necessary funds for attendance enforcement, supervision of instruction, health and physical education, clerical assistance, and accident insurance for school children transported by school bus: *Provided* that nothing in this Section be interpreted as repealing the present statutes requiring the State Board of Education's approval of local unit budgets."

Purposes for which taxes may be levied, county administrative school units.

G. S. § 115-356, further amended, as to workmen's compensation for school employees.

That the General Statutes, Section 115-356, be further amended to provide a subhead following 4 (c) to be listed as 4 (d) as follows: "Workmen's compensation for school employees."

SEC. 7½. Amend Section 115-356 of the General Statutes by striking out line 82 of said Section which reads as follows: "with the approval of the State Board of Education." Section amended further.

SEC. 8. That Section 115-376 be amended by inserting after the word "assigned" in line 11 the following: G. S. § 115-376, amended.

provided that the State Board of Education may, in its discretion, route said busses in such manner as to get within one-half mile of all children who live more than one and one-half miles from the schools to which they are assigned. Routing of school busses.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 912 CHAPTER 1078

AN ACT TO CREATE AND ESTABLISH A COURT OF CLAIMS TO PRESCRIBE JURISDICTION, PRACTICE, PROCEDURE AND PROVIDE FOR ITS OPERATION.

The General Assembly of North Carolina do enact:

SECTION 1. The commission provided for in Senate Resolution No. 298 of the 1947 Session of the General Assembly of North Carolina, which has for its purpose to make a study and submit recommendations to the 1949 Session of the General Assembly for the improvement of the administering of justice in the State of North Carolina, shall include in its work a study of the advisability of the establishment of a Court of Claims for North Carolina, and shall represent its findings, together with its recommendations thereon in the report required to be made by such commission in the same manner that it reports on any other matter. Commission created by Resolution No. 23, Session, 1947, directed to study advisability of Court of Claims.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after June 1st, 1947. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 921 CHAPTER 1079

AN ACT TO MAKE THE STREETS AND HIGHWAYS OF NORTH CAROLINA SAFE FOR THE MOTORING PUBLIC BY AMENDING CHAPTER 20, SECTION 118, OF THE GENERAL STATUTES OF NORTH CAROLINA, TO ALLOW A TOLERANCE IN GROSS WEIGHT LIMITATIONS FOR MOTOR CARRIERS.

The General Assembly of North Carolina do enact:

G. S. § 20-118, amended.

SECTION 1. That Chapter 20, Section 118, of the General Statutes of North Carolina be and the same is hereby amended by adding thereto a Subsection, to be designated Subsection (M), reading as follows:

Allowance of tolerance in gross weight limitations for vehicles of motor carriers.

(M) *Provided, however,* that any vehicle or combination of vehicles may exceed the gross weight limitations hereinbefore set out by not more than five (5%) per centum, and *provided further* that vehicles or combinations of vehicles having a gross weight in excess of forty thousand (40,000) pounds shall not be licensed or allowed to use the highways of the State, unless the engine furnishing the motive power of such vehicle or combination of vehicles shall have a piston displacement of three hundred (300) cubic inches, or more.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1060 CHAPTER 1080

AN ACT TO AMEND CHAPTER 563 OF THE PUBLIC LAWS OF 1933 RELATING TO THE CREATION OF AN AGRICULTURAL AND BREEDERS ASSOCIATION FOR THE COUNTY OF NEW HANOVER ON THE APPROVAL OF THE VOTERS IN SAID COUNTY, AND TO PERMIT HORSE RACING THEREIN.

The General Assembly of North Carolina do enact:

Ch. 563, Public Laws, 1933, amended; law authorizing agricultural and breeders association, not applicable to Haywood County.

SECTION 1. That Section 1 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in lines two and three of said Section the words "Counties of New Hanover and Haywood", and inserting in lieu thereof the words "County of New Hanover."

SEC. 2. That Section 1 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out the word "counties" in line four of said Section, and inserting in lieu thereof the word "county".

SEC. 3. That Section 1 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in lines fifteen and sixteen of said Section the words "and the Haywood County Agricultural and Breeders Association Commission".

Ch. 563, amended further, as to horse racing franchises; law not applicable to Haywood County.

SEC. 4. That Subsection (d) of Section 2 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in line five of said Subsection the words "and Haywood Counties respectively", and inserting in lieu thereof the word "County".

SEC. 5. That Subsection (d) of Section 2 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in line sixteen of said Subsection the words "or Haywood Counties respectively", and inserting in lieu thereof the word "County".

SEC. 6. That Subsection (d) of Section 2 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in lines nineteen and twenty of said Subsection the words "or Haywood County, respectively," , and inserting in lieu thereof the word "County".

SEC. 7. That Section 3 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out in line six of said Section the words "and Haywood Counties", and inserting in lieu thereof the word "County".

Ch. 563, amended further; agricultural and breeders association law applicable only to New Hanover County.

SEC. 8. That the first sentence of Section 5 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended to read as follows:

That the provisions of this Act shall become effective in New Hanover County only after the same has been approved by a majority of the voters voting in an election called for this purpose, and the Board of County Commissioners of New Hanover County be, and they are hereby, authorized and directed to order an election to be held on this question on or before the first day of January, 1949, which shall be held under the general law relating to the election of members of the General Assembly of North Carolina."

SEC. 9. That Section 5 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended by striking out the last sentence of said Section which reads as follows:

"That the respective boards of said counties are hereby authorized and empowered to provide, in their discretion, for the necessary cost of holding such election by making cost of said election a charge upon the General Fund of either of said counties."

SEC. 10. That Section 6 of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, amended to read as follows:

Application of amended Act.

SEC. 6. That this Act shall apply only to New Hanover County, and when and if approved by the voters of said County, New Hanover County shall be exempted from such provisions of Chapter 16 and Article 37, Subsection 11 of Chapter 14, of the General Statutes of North Carolina as may be in conflict therewith.

SEC. 11. That Section 6½ of Chapter 563 of the Public Laws of 1933 be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1110 CHAPTER 1081

AN ACT RELATING TO THE DISTRIBUTION OF THE NET PROFITS FROM THE OPERATION OF COUNTY LIQUOR CONTROL STORES IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Allocation of A. B. C. store profits, Craven County, to municipalities where stores located.

SECTION 1. The Craven County Board of Alcoholic Control is authorized and directed to turn over to the City of New Bern and the Town of Vanceboro, and any other city or town in said county in which county liquor control stores are established or are hereafter established, seven and one-half per cent (7½%) of the net profits derived from the operation of the store or stores located in such municipality. Such payment shall be made from the net profits derived from the operation of said stores from and after June 30th, 1947, to January 1st, 1948. On and after January 1st, 1948, each of such municipalities shall receive ten per cent (10%) of the net profits derived from the operation of the store or stores located in such municipality.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1072 CHAPTER 1082

AN ACT TO AMEND SECTION 143-135 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS TO REGULATE THE CONSTRUCTION OF SCHOOL BUILDINGS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 143-135 of the General Statutes by adding a proviso at the end of said Section which shall read as follows: G. S. § 143-135, amended.

Provided, that the provisions of this Article shall not apply in Franklin County to the governing authority of a county administrative unit or a governing authority of a city administrative unit, or other proper public authority of Franklin County charged with the construction of school buildings and doing or performing by or through its or their duly authorized officers or agents work in the construction of such school buildings up to and including an amount not to exceed twenty thousand dollars ($20,000.00). Law regulating public building contracts, not applicable to certain school building construction, Franklin County.

SEC. 1½. The provisions of this Act shall terminate July 1st, 1949. Effective period of Act.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1124 **CHAPTER 1083**

AN ACT AUTHORIZING THE ESTABLISHMENT OF A CITY LIQUOR CONTROL STORE IN THE CITY OF ASHEVILLE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Provision for election on question of city liquor control store, City of Asheville.

SECTION 1. That the City Council of the City of Asheville may on its own motion, and shall upon a petition to said council signed by at least fifteen percent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a city liquor control store may be operated in the City of Asheville and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of a city liquor control store, no such store shall be set up or operated in said city under the provisions of this Act.

Effect of election results.

Notice of election.

Registration.

SEC. 2. In calling for such special liquor election, the said council shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Store", "Against City Liquor Control Store". Those favoring setting up and operating liquor store in the City of Asheville shall mark in the voting square to the left of the words "For City Liquor Control Store" printed on the ballot, and those opposed to a city liquor control store shall mark in the voting square to the left of the words "Against City Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for Members of the General Assembly.

Form of ballots.

Manner of voting.

Conduct of election.

Effect of vote against A. B. C. store in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores", the city liquor control board shall within three months from the canvassing of such votes and

the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said City of Asheville in force and effect prior to the authorization to operate city liquor control store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Store". No election shall be called and held in the City of Asheville under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the City Council of the City of Asheville to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Asheville general election or primary election, or within thirty (30) days of any such election.

Restrictions as to time between elections.

Duty of City Council as to calling election.

Restrictions concerning time of election.

SEC. 4. If the operation of a city liquor control store is authorized under the provisions of this Act, the Mayor and City Council of the City of Asheville shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Asheville Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city.

Provision for creation of City Board of Alcoholic Control, Asheville.

Appointment of Chairman and members; terms.

Vacancies filled.

SEC. 5. The said City of Asheville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said City of Asheville Board of Alcoholic Control and the operation of any city liquor store authorized under the pro-

Powers of board.

Application of G. S., Ch. 18, Art. 3.

visions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include City of Asheville Board of Alcoholic Control.

Division of net profits between City and Buncombe County.

SEC. 6. The net profits derived from the operation of liquor control store in the City of Asheville shall be divided as follows: Seventy-five per cent shall be turned over to the governing body of the City of Asheville and twenty-five per cent to the governing body of the County of Buncombe, such net profits shall be subject to appropriation by the governing bodies of the said City of Asheville and County of Buncombe for any lawful purpose.

Authority to establish additional stores.

SEC. 7. That the governing body of the City of Asheville may in its discretion authorize the establishment and operation of additional stores within the corporate municipalities, if in its discretion the necessity therefore exists.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1051 CHAPTER 1084

AN ACT TO AUTHORIZE THE HOLDING OF ELECTIONS IN THE MUNICIPAL CORPORATIONS AND THE COUNTIES OF THE STATE TO DETERMINE WHETHER OR NOT WINE AND/OR BEER SHALL BE SOLD THEREIN.

The General Assembly of North Carolina do enact:

Provision for elections on question of sale of wine and beer, in counties or municipalities.

SECTION 1. (a) For the purpose of determining whether or not wine or beer or both shall be sold in any municipality having a population of one thousand (1,000) or more according to the last Federal census or within the area of any county outside the corporate limits of such a municipality, an election shall be called within any such municipality or within the county as a whole when, and only when, the conditions of this Act are complied with.

Petition requesting election.

(b) Upon the presentation to it of a petition signed by fifteen per cent (15%) of the registered voters of the county that voted for Governor in the last election requesting that an election be held for the purpose of submitting to the voters of the county the question of whether or not wine or beer or both shall legally be sold therein, the county board of elections shall call an election for the purpose of submitting said question or questions to the voters of the county.

Requirements concerning petition.

(c) No petition filed pursuant to the provisions of this Act shall be considered by the county board of elections unless said petition shall state upon its face that at the election requested by those signing the petition there shall be submitted to the voters (1) the question of the legal sale of wine or (2) the question of the legal sale of beer or (3) the question of the legal sale of both wine and beer. Nor shall any petition be considered unless it states that the signers thereof are registered voters of the county in which the election is requested.

Time of calling election.

(d) Whenever a petition for an election is presented to the county board of elections pursuant to the provisions of this Act, said board shall within thirty (30) days call the election petitioned for.

Notice of election.

(e) Thirty days' public notice shall be given of any election called pursuant to the provisions of this Act prior to the opening of the registration books for the same, and such election shall be held under the same law and regulations as are provided for the election of Members of the General Assembly, except that no absentee ballots shall be voted in said election.

Conduct of election.

Restrictions as to time of election.

(f) No election shall be held pursuant to the provisions of this Act in any county within sixty (60) days of the holding of any general election, special election, or primary election in said county or any municipality thereof.

Restrictions as to time between elections.

(g) Whenever an election is held pursuant to the provisions of this Act in any county, no other election pursuant to the provisions of this Act shall be held in such county within three (3) years of the holding of the preceding election pursuant to the provisions of this Act: *Provided,* that this Subsection shall not prevent the holding of a municipal election in such county as hereinafter provided within three (3) years of the holding of said county election.

Form of ballots.

SEC. 2. If such election is called to determine whether or not wine shall be sold within the county, the ballot shall contain the following:

☐ For the legal sale of wine
☐ Against the legal sale of wine

If such election is called to determine whether or not beer shall be sold within the county, the ballot shall contain the following:

☐ For the legal sale of beer
☐ Against the legal sale of beer

If such an election is called to determine whether or not wine and/or beer shall be sold within the county, the ballot shall contain the following:

☐ For the legal sale of wine
☐ Against the legal sale of wine
☐ For the legal sale of beer
☐ Against the legal sale of beer

Effect of majority vote for legal sale of beer.

SEC. 3. (a) If a majority of the votes cast in such election shall be for the legal sale of beer, then the governing board of the county and the governing board of each municipality in said county shall issue licenses to sell beer as defined in G. S. 18-64 as provided in Chapter 18 of the General Statutes notwithstanding any Public, Special, Local or Private Act to the contrary, whether passed before or after the ratification of this Act.

Effect of majority vote against legal sale of beer.

If a majority of the votes cast in such election shall be against the legal sale of beer, then after the expiration of sixty (60) days from the day on which the election is held it shall be unlawful to sell or possess for the purpose of sale in the county, either within or without the corporate limits of municipalities therein, any beer of more than one-half of one per cent of alcohol by volume, and such sale or possession for the purpose of sale shall constitute a misdemeanor, the punishment for which shall be in the discretion of the court. This paragraph shall not apply to any municipality in which an election is held as hereinafter provided after the holding of a county election, and at which a majority of the votes cast shall be for the sale of beer.

Effect of majority vote for legal sale of wine.

(b) If a majority of the votes cast in such election shall be for the legal sale of wine, then the governing board of the county and the governing board of each municipality in said county shall issue to applicants entitled to same licenses to sell wine as defined in G. S. 18-64 and 18-99 as provided in Chapter 18 of the General Statutes notwithstanding any Public, Special, Local or Private Act to the contrary, whether passed before or after the ratification of this Act.

Effect of majority vote against legal sale of wine.

If a majority of the votes cast in such election shall be against the legal sale of wine, then after the expiration of sixty (60) days from the day on which the election is held it shall be unlawful to sell or possess for the purpose of sale in the county, either within or without the corporate limits of municipalities therein, any wine of more than three per cent(3%) of alcohol by volume, and such sale or possession for the purpose of sale shall constitute a misdemeanor, the punishment for which shall be in the discretion of the court. This paragraph shall not apply to any municipality in which an election is held as hereinafter provided after the holding of a county election, and at which a majority of the votes cast shall be for the sale of wine.

Provision for elections in certain municipalities, after majority vote in county against sale of wine or beer.

SEC. 4. After the holding of a county election pursuant to the provisions of this Act in which a majority of the votes cast is against the legal sale of wine or beer or both, the governing board of any municipality in said county having a population of one thousand (1,000) or more according to the last Federal census shall call an election to determine whether or not the beverage or beverages, the legal sale of which has been prohibited as a result of said county election, shall legally be sold within the corporate limits of said municipality notwithstanding the results of the county election. An election authorized by this Section shall be called by the governing board of the municipality only upon being presented with a petition signed by fifteen per cent (15%) of the registered voters of said municipality that voted for the governing body of such municipality in the last primary or election in whichever voted the greatest number of votes requesting that such election be held.

Election called only upon petition.

Contents of petition.

The petition shall state whether the election is to be held to determine whether or not wine or beer or both is legally to be sold within said municipality, but no election shall be held in said municipality to determine whether or not any beverage is legally to be sold therein unless the sale of such beverage has been prohibited in the county in which said municipality is located. No petition shall be considered unless it complies with this paragraph nor unless it states that the signers thereof are registered voters of the municipality in which the election is requested.

Consideration of petition.

Conduct of elections in municipalities.

The provisions of this Act, including the laws and regulations adopted by reference, relating to county elections, including the provisions relating to the calling of elections, notice of elections, holding of elections, ballots, and results of elections, are hereby in all respects made applicable to any municipal election held pursuant to the provisions of this Section except that the county board of elections shall not conduct any such election.

Effect of majority vote against sale of beer or wine.

If a majority of the votes cast in any election held pursuant to the provisions of this Section shall be against the sale of the beverage or beverages voted on, then the sale or possession for the purpose of sale of such beverage or beverages shall constitute a misdemeanor, the punishment for which shall be in the discretion of the court as hereinbefore provided.

Effect of majority vote for sale of beer or wine.

If a majority of the votes cast in any election held pursuant to the provisions of this Section shall be for the sale of the beverage or beverages voted on, then the governing board of said municipality shall issue to applicants entitled to same licenses to sell such beverage or beverages as defined in G. S. 18-64 and 18-99 as provided in Chapter 18 of the General Statutes, notwithstanding the result of the county election or any Public, Special, Local or Private Act to the contrary, whether passed before or after the ratification of this Act.

Restriction as to time of calling election.

SEC. 5. No election shall be called pursuant to the provisions of this Act within one hundred and sixty (160) days after the effective date of this Act.

Purchase or possession of wine for sacramental purposes not prohibited.

SEC. 6. Nothing in this Act shall prevent the purchase or possession of wine for sacramental purposes by any organized church or ordained minister of the gospel.

G. S. § 18-81 (a), amended, as to tax upon sales of beer, etc.

SEC. 7. Subsection (a) of G. S. 18-81 (1945 Supplement) is hereby amended as follows:

In lines 4 and 5 strike out "three dollars and seventy-five cents ($3.75)" and insert in lieu thereof "seven dollars and fifty cents ($7.50)". In line 9 strike out "one and one-quarter cents" and insert in lieu thereof "two and one-half cents". In lines 11 and 12 strike out "three and one-third cents" and insert in lieu thereof "six and two-thirds cents".

G. S. § 18-81 (r), amended, as to tax upon sales of unfortified wine.

SEC. 8. Subsection (r) of G. S. 18-81 (1945 Supplement) is hereby amended as follows:

In lines 3 and 4 strike out "thirty cents (30c)" and insert in lieu thereof "sixty cents (60c)". In line 8 strike out "one dollar and twenty cents ($1.20)" and insert in lieu thereof "two dollars and forty cents ($2.40)".

G. S. § 18-81, further amended.

SEC. 9. G. S. 18-81 (1945 Supplement) is hereby further amended by adding at the end thereof a new Subsection (t) to read as follows:

Allocation and distribution of tax collections to counties and municipalities.

(t) From the taxes collected annually under Subsection (a) and Subsection (r) of this Section amounts equivalent to one-half thereof shall be allocated and distributed, upon the basis herein provided, to counties and municipalities wherein such

beverages may be licensed to be sold under the provisions of this Article. The amounts distributable to each county and municipality entitled to the same under the provisions of this Subsection shall be determined upon the basis of population therein as shown by the latest Federal decennial census. Where such beverages may be licensed to be sold in both the county and municipality, allocation of such amounts shall be made to both the county and the municipality on the basis of population. Where such beverages may be licensed to be sold in a municipality in a county wherein the sale of such beverages is otherwise prohibited, allocation of such amounts shall be made to the municipality on the basis of population; *Provided, however*, that where the sale of such beverages is prohibited within defined areas within a county or municipality, the amounts otherwise distributable to such county or municipality on the basis of population shall be reduced in the same ratio that such areas bear to the total area of the county or municipality, and the amount of such reduction shall be retained by the State: *Provided, further*, that if said area within a county is a municipality for which the population is shown by the latest Federal decennial census, reduction of such amounts shall be based on such population rather than on area. The Commissioner of Revenue shall determine the amounts distributable to each county and municipality, for the period July 1st, 1947, to September 30th, 1947, inclusive, and shall distribute such amounts within sixty (60) days thereafter; and the Commissioner of Revenue annually thereafter shall determine the amounts distributable to each county and municipality for each twelve-month period ending September 30th and shall distribute such amounts within sixty (60) days thereafter.

Determination of amounts distributable; distribution.

SEC. 10. The new tax rates herein provided shall become effective July 1st, 1947, and said rates shall apply to all beverages enumerated in G. S. 18-64 which are sold or offered for sale after that date, whether shipped into the State prior to that date or not. Prior to the sale after that date of beverages on which has been paid the tax at the rate applicable prior to that date, report shall be made to the Commissioner of Revenue as to such beverages and the increased tax thereon shall be paid.

Effective date of new tax rates.

SEC. 11. The funds allocated to counties and/or municipalities under this Act may be used by said counties or municipalities as any other general or surplus funds of said unit may be used.

Use of funds allocated to counties and municipalities.

SEC. 12. All laws and clauses of laws, whether Public, Public-Local, Special or Private, in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 13. This Act shall be in full force and effect from and after July 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 223 CHAPTER 1085

AN ACT TO AUTHORIZE THE WAKE COUNTY BOARD OF COMMISSIONERS TO ADOPT ZONING REGULATIONS WITH RESPECT TO AIRPORTS, AND TAKE-OFF AND LANDING FIELDS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Power of Wake County Board of Commissioners to regulate airports, take-off and landing fields.

SECTION 1. Grant of power. For the purpose of promoting health, safety, or the general welfare of the county, the board of County Commissioners of Wake County, hereinafter referred to in this Act as "the Board," is hereby empowered to regulate and restrict the use of land within the county for the take-off and landing of aircraft and for the location and operation of airports. Such regulations and restrictions shall be in relation to the size, purpose and scope of the proposed airport and to the probable land use in the immediate vicinity.

Purposes of Act.

SEC. 2. Purposes of Act. Such regulations shall be made in accordance with a comprehensive plan and designed to protect human life and property from the danger of falling or disabled aircraft; to secure safety from fire, panic or other dangers; to prevent the discouragement and retardation of beneficial residential and business development and expansion; to prevent undue concentration of noise and harassment; to prevent unreasonable damage to and interference with residential and business property use; and to protect the health and general welfare of the county.

Division of county into districts for zoning purposes.

Regulations.

SEC. 3. Division of county into districts for zoning purposes. For any and all said purposes, the Board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Act; and within such districts, it may regulate and restrict the use of land as a landing or take-off ground for aircraft or for the operation of an airport. All such regulations and restrictions shall be uniform for each class or kind of aircraft landing ground or airport throughout each district; but the regulations in one district may differ from those in other districts. Such regulations shall be made with a view to insuring the highest degree of safety for persons living in a residential area where low-

flying airplanes would constitute a great hazard, and with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate and generally beneficial use of land throughout the county.

Procedure for establishing boundaries of districts and regulations.

SEC. 4. Method of procedure. The Board of County Commissioners of Wake County shall provide for the manner in which such regulations and the boundaries of such districts shall be determined, established and enforced, and, from time to time, amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county, or by notice posted at four public places in the county, said notice to be published in a newspaper for the first time, or to be posted, not less than fifteen (15) days prior to the date fixed for said hearing.

Change of boundaries, regulations, etc.

SEC. 5. Change of regulations. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, modified, or repealed. In case, however, of a protest signed by the owners of twenty (20) percent or more of the area of the district or districts included in said change, such amendment shall not become effective except by favorable vote of four-fifths of the members of the board of county commissioners. The provisions of Section 4 of this Act relative to public hearings and giving notice thereof shall apply equally to all changes or amendments.

Appointment of zoning commission.

Duties.

SEC. 6. Zoning commission. In order to avail itself of the powers conferred by this Act, the board of county commissioners shall appoint a commission to be known as the zoning commission whose duties shall be to recommend the boundaries of the various original districts together with appropriate regulations and restrictions to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the board of county commissioners shall not hold its public hearings or take action until it has received the final report of such zoning commission.

Appeals to Board of County Commissioners from action by commission or officers.

SEC. 7. Appeals. Any person aggrieved by an officer or commission of the county with respect to airport regulation or zoning may appeal to the board of county commissioners. Such appeal shall be taken, within such time as the board of coun-

ty commissioners shall, by general rule, prescribe, by filing with the officer or commission from whom the appeal is taken and with the board of county commissioners a notice of appeal specifying the grounds thereof. The officer or commission from whom the appeal is taken shall forthwith transmit to the board of county commissioners all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer or commission from whom the appeal is taken certifies to the board of county commissioners after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate to stay would, in his or its opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of county commissioners or by a court of record on application, on notice to the officer or commission from whom the appeal is taken and for proper cause shown. The board of county commissioners shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of county commissioners may reverse or affirm, in whole or in part, or may modify, any order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or commission from whom the appeal is taken.

Transcript of record.

Effect of appeal on proceedings.

Time for hearing appeals.

Powers of Board of County Commissioners in case of appeal.

Appeal to Superior Court.

SEC. 7A. Any person affected by any decision, determination or order of the board of county commissioners may appeal therefrom to the Superior Court, which appeal shall be by writ of certiorari and shall be heard de noba.

Remedies for enforcement of Act, ordinances, regulations, etc.

SEC. 8. Remedies. In case any landing ground for aircraft or any airport is constructed, reconstructed, altered, repaired, converted, or maintained or any land is used in violation of this Act or of any ordinance or regulation made under authority conferred thereby, the proper local authorities of the county, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation, to prevent any illegal act, conduct, business, or use.

Construction of Act.

SEC. 9. Other statutes not repealed. This Act shall not have the effect of repealing any zoning act, local or general, now in force, except as to such provisions thereof as are repugnant

to, or inconsistent herewith; but it shall be construed to be in enlargement of the duties, powers and authority contained in such statutes and all other laws authorizing city or county planning commissions or zoning commissions in Wake County.

Zoning of land now used for airports, not authorized.

SEC. 9A. That nothing contained in this Act shall authorize zoning of any lands now actually being used for airports.

Application of Act.

SEC. 10. This Act shall apply only to Wake County.

Pending litigation not affected.

SEC. 11. Providing that nothing in this Act shall affect pending ligitation.

SEC. 12. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 760 CHAPTER 1086

AN ACT TO RE-WRITE ARTICLE 2 OF CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA, KNOWN AS "THE NORTH CAROLINA FERTILIZER LAW OF 1933," AS AMENDED.

The General Assembly of North Carolina do enact:

Title.

SECTION 1. Title.

This Act shall be known as the "North Carolina Fertilizer Law of 1947".

Enforcing official.

SEC. 2. Enforcing Official.

This Act shall be administered by the Commissioner of Agriculture of the State of North Carolina, hereinafter referred to as the "Commissioner."

Definitions.

SEC. 3. Definitions of Words and Terms.

When used in this Act:

"Person."

(a) The term "person" includes individuals, partnerships, associations, firms, and corporations.

Singular number includes plural.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

"Distributor."

(c) The term "distributor" means any person who offers for sale, sells, barters, or otherwise supplies mixed fertilizers or fertilizer materials.

"Sell" or "Sale." (d) The term "sell" or "sale" includes exchange.

"Fertilizer material." (e) The term "fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any other recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

"Mixed fertilizer." (f) The term "mixed fertilizers" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

"Commercial fertilizer." (g) The term "commercial fertilizer" includes both mixed fertilizer and/or fertilizer materials.

"Grade." (h) The term "grade" means the minimum percentage of total nitrogen, available phosphoric acid, and soluble or available potash stated in the order given in this paragraph and, when applied to mixed fertilizers, shall be on whole numbers only.

"Brand name." (i) The term "brand name" means the name under which any individual mixed fertilizer or fertilizer material is offered for sale and may include a number, trademark, or other designation.

"Official sample." (j) The term "official sample" means any sample of commercial fertilizer taken by the commissioner or his authorized agent according to the methods prescribed in paragraph (b) of Section 7 of this Act.

"Ton." (k) The term "ton" means a net ton of two thousand pounds avoirdupois.

"Per cent" or "percentage." (l) The term "per cent" or "percentage" means the percentage by weight.

"Manufacturer." (m) The term "manufacturer" means a person engaged in the business of preparing, mixing, or manufacturing commercial fertilizers; and the term "manufacture" means preparing, mixing, or manufacturing.

"Specialty fertilizer." (n) The term "specialty fertilizer" means any fertilizer distributed primarily for use on non-commercial crops such as garden, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

Registration of brands of commercial fertilizer.

SEC. 4. Registration.

(a) Each brand of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this State. The application for registration shall be submitted in duplicate to the commissioner on forms furnished by the commissioner, and shall be accompained by a remittance of $2.00

Application.

per brand and grade as a registration fee. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on July 1st of each year. The application shall include the following information:

Registration fee.

Expiration of registrations.

(1) The name and address of the person guaranteeing registration.

Contents of application.

(2) The brand.

(3) The grade.

(4) The guaranteed analysis showing the minimum percentage of plant food in the following order and form:

A. In mixed fertilizers (other than those branded for tobacco):

Form showing guaranteed analysis; mixed fertilizers other than for tobacco.

Total Nitrogen ——— per cent
(Optional) Water insoluble Nitrogen ——— per cent
Percentage of total in multiples of five
Available Phosphoric Acid ——— per cent
Soluble or Available Potash ——— per cent
Whether the fertilizer is acid-forming or non-acid forming. The potential basicity or acidity expressed as equivalent of calcium carbonate in multiples of five per cent (or one hundred pounds per ton) only.

B. In mixed fertilizers (branded for tobacco):

Form showing guaranteed analysis; mixed fertilizers for tobacco.

Total Nitrogen ——— per cent
(Optional) Nitrogen in the form of nitrate, per cent of total in multiples of five.
Water Insoluble Nitrogen ——— per cent
Percentage of total in multiples of five
Available Phosphoric Acid ——— per cent
Soluble or Available Potash ——— per cent
Maximum Chlorine ——— per cent
Total Magnesium or Total magnesium ocide ——— per cent
Whether the fertilizer is acid-forming or non-acid forming. The potential basicity or acidity expressed as equivalent of calcium carbonate in multiples of five per cent (or one hundred pounds per ton) only.

C. In fertilizer materials (if claimed).

Additional materials shown, if claimed.

Total Nitrogen ——— per cent
Available Phosphoric Acid ——— per cent
In the case of bone, tankage, and other organic phosphate materials on which the chemist makes no determination of available phosphoric acid, the total phosphoric acid shall be guaranteed: *Provided*, that unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to both total and avail-

able phosphoric acid and the degree of fineness.
Soluble or Available Potash ——— per cent
Other recognized Plant Food ——— per cent

Sources of nitrogen, etc., shown.

(5) The sources from which the nitrogen, phosphoric acid, and potash are derived.

Magnesium, etc., claimed as secondary plant foods.

(6) Magnesium (Mg) or magnesium oxide (MgO), calcium (Ca) or calcium oxide (CaO), and sulfur (S) may be claimed as secondary plant foods in all mixed fertilizers, but when one or more of these is so claimed the minimum percentage of total magnesium (Mg) or total magnesium oxide (MgO), total calcium (Ca) or total calcium oxide (CaO), and total sulfur (S), as applicable, shall be guaranteed; excepting that the sulfur guarantee for fertilizers branded for tobacco shall be both the maximum and the minimum percentages.

Borax claimed as ingredient in mixed fertilizers.

(7) Borax may be claimed as an ingredient in mixed fertilizers. If claimed, it shall be guaranteed in terms of borax per 100 pounds of fertilizer in increments of ½, 1, and multiples of 1 pound per 100 pounds of fertilizer. The guarantee will be considered both a minimum and maximum guarantee. The analysis guarantee shall be on a separate tag as prescribed by the commissioner.

Guarantee of additional plant food elements, subject to approval.

(8) Additional plant food elements, compounds, or classes of compounds, determinable by chemical control methods, may be guaranteed only by permission of the commissioner by and with the advice of the Director of the Experiment Station. When any such additional plant food elements, compounds, or classes of compounds are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner. The commissioner shall also fix penalties for failure to fulfill such guarantees.

Penalties for failure to fulfill guarantees.

Use of terms, "total phosphoric acid" and "available phosphoric acid."

(9) In no case, except in the case of unacidulated mineral phosphates and/or basic slag unmixed with other materials shall both the terms total phosphoric acid and available phosphoric acid be used in the same statement of analysis.

Registration by distributor not required if brand already registered.

(b) The distributor of any brand and grade of commercial fertilizer shall not be required to register the same if it has already been registered under this Act by a person entitled to do so and such registration is then outstanding.

Change of grade; guaranteed analysis.

(c) The grade of any brand of mixed fertilizer shall not be changed during the registration period, but the guaranteed analysis may be changed in other respects and the sources of materials may be changed: *Provided,* prompt notification of such change is given to the commissioner and the change is

noted on the container of tag: *Provided, further,* that the guaranteed analysis shall not be changed if it, in any way, lowers the quality of the fertilizer: *Provided, further,* that if at a subsequent registration period, the registrant desires to make any change in the registration of a given brand and grade of fertilizer, said registrant shall notify the commissioner of such change 30 days in advance of such registration; that if the commissioner, after consultation with the Director of the Agricultural Experiment Station decides that such change materially lowers the crop producing value of the fertilizer, he shall notify the registrant of his conclusions, and if the registrant registers the brand and grade with the proposed changes, then the commissioner shall give due publicity to said changes through the Agricultural Review and/or by such other means as he may deem advisable.

SEC. 5. Labeling. Labeling.

(a) Any commercial fertilizer offered for sale, sold, or distributed in this State in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data in written or printed form, required by paragraph (a), with the exception of item (5), of Section 4 printed either (1) on tags to be affixed to the end of the package or (2) directly on the package. In case the brand name appears on the package, the grade shall also appear on the package, immediately preceding the guaranteed analysis or as a part of the brand name. The size of the type of numerals indicating the grade on the container shall not be less than 2 inches in height for containers of 100 pounds or more; not less 1 inch for containers of 50 and 99 pounds; and not less than ½ inch for packages of less than 50 pounds. In case of fertilizers sold in containers on which the brand or other designations of the distributor do not appear, the grade must appear in a manner prescribed by the commissioner on tags attached to the container.

(b) If transported in bulk, the net weight and the data, in written or printed form, as required by paragraph (a), with the exception of item (5), of Section 4 shall accompany delivery and be supplied to the purchaser.

SEC. 6. Inspection Fee. Inspection fees.

(a) For the purpose of defraying expenses on the inspection and of otherwise determining the value of commercial fertilizers in this State, there shall be paid to the Department of Agriculture a charge of twenty-five cents per ton or one cent for each individual package containing fifty pounds net or less and more than five pounds of such commercial fertilizers, which

charge shall be paid before a delivery is made to agents, dealers, or consumers in this State. Each bag, barrel, or other container of commercial fertilizer shall have attached thereto a tag to be furnished by the Department of Agriculture stating that all charges specified in this Section have been paid, and the commissioner, with the advice and consent of the Board of Agriculture is hereby empowered to prescribe a form for such tags, and to adopt such regulations as will insure the enforcement of this law. Whenever any manufacturer of commercial fertilizer shall have paid the charges required by this Section his goods shall not be liable to further tax, whether by city, town or county: *Provided,* this shall not exempt the commercial fertilizers from an ad valorem tax.

Tags showing payment of fees.

Goods not liable to further tax, except ad valorem tax.

Issuance of tax tags.

(b) The tax tags required under this Section shall be issued each fiscal year (July 1st—June 30th) by the commissioner and be sold to persons applying for same at the rate provided in paragraph (a) of this Section. Undetached tags left in the possession of persons registering commercial fertilizers at the end of any fiscal year (July 1st—June 30th) may be exchanged for tags of the succeeding year, on or before September first.

Tax tags for bulk shipments.

(c) If any distributor of fertilizer shall desire to ship in bulk any commercial fertilizers, the said distributor of fertilizer shall send with the bill of lading sufficient cancelled tax tags to pay the tax on the amount of goods shipped, and the agent of the railroad or other transportation company shall deliver the tags to the consignee when the goods are delivered. If otherwise delivered, the distributor shall associate such tags or stamps to each lot or with some document relating thereto.

Annual registration fee as to individual packages of 5 pounds or less.

(d) On individual packages of five pounds or less, there shall be paid in lieu of the tonnage fee an annual registration fee of twenty-five dollars ($25.00) for each brand offered for sale, sold, or distributed.

Inspections.

SEC. 7. Inspection.

(a) It shall be the duty of the commissioner, who may act through his authorized agent, to sample, inspect, make analysis of, and test commercial fertilizers offered for sale, sold, or distributed within this State at such time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this Act. The commissioner, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this Act and the rules and regulations thereto.

Powers of Commissioner and agents.

(b) The methods of sampling shall be as follows: Methods of sampling.

(1) For the purposes of analysis by the commissioner or his duly authorized chemists and for comparison with the guarantee supplied to the commissioner in accordance with Sections 4 and 5, the commissioner, or any official inspector duly appointed by him, shall take an official sample of not less than one pound from containers of commercial fertilizer. No sample shall be taken from less than five containers. If the lot comprises five (5) or more containers, portions shall be taken from each one up to a total of ten (10) containers. If the lot comprises from ten (10) to one hundred (100) containers, portions shall be taken from ten (10) containers. Of lots comprising more than one hundred (100) containers, portions shall be taken from ten (10) per cent of the total number of containers. Samples from containers.

(2) In sampling commercial fertilizers, in bulk, either in a factory or a car, at least ten portions shall be drawn and these from different places so as fairly to represent the pile or car lot. Sampling of fertilizers in bulk.

(3) In sampling, a core sampler shall be used that removes a core from a bag or other package from top to bottom, and the cores taken shall be mixed on clean oil cloth or paper, and if necessary shall be reduced after thoroughly mixing, by quartering, to the quantity of sample required. The composite sample taken from any lot of commercial fertilizer under the provision of this paragraph shall be placed in a tight container and shall be forwarded to the commissioner with proper identification marks. Use of core sampler; method of taking samples.

(4) The commissioner may modify the provisions of this Section to bring them into conformity with any changes that may hereafter be made in the official methods of and recommendations for sampling commercial fertilizers which shall have been adopted by the Association of Official Agricultural Chemists or by the Association of American Fertilizer Control Officials. Thereafter, such methods and recommendations shall be used in all sampling done in connection with the administration of this Act in lieu of those prescribed in items (1), (2), and (3) of this Section. Modification of sampling provisions by Commissioner.

(5) All samples taken under the provisions of this Section shall be taken from original unbroken bags or containers, the contents of which have not been damaged by exposure, water or otherwise. Samples taken from original unbroken bags.

(6) The commissioner shall refuse to analyze all samples except such as are taken under the provisions of this Section and no sample unless so taken shall be admitted as evidence in Analysis of samples only in accordance with Section.

Samples as evidence.

the trial of any suit or action wherein there is called into question the value or composition of any lot of commercial fertilizer distributed under the provisions of this Act.

Certificate of Department fertilizer chemist admissible in evidence.

(7) In the trial of any suit or action wherein there is called in question the value or composition of any lot of commercial fertilizer, a certificate signed by the fertilizer chemist and attested with the seal of the Department of Agriculture, setting forth the analysis made by the Chemist of the Department of Agriculture, of any sample of said commercial fertilizer, drawn under the provisions of this Section and analyzed by them under the provisions of the same, shall be prima facie proof that the lot of fertilizer represented by the sample was of the value and constituency shown by said analysis. And the said certificate of the chemist shall be admissible in evidence to the same extent as if it were his deposition taken in said action in the manner prescribed by law for the taking of depositions.

Effect.

Methods of analysis.

(c) The methods of analysis shall be those adopted as official by the Board of Agriculture and shall conform to the methods prescribed by the Association of Official Agricultural Chemists or by the Association of American Fertilizer Control Officials. In the absence of methods prescribed by either of these associations, the commissioner shall prescribe the method of analysis.

Analysis report, in cases subject to penalty, forwarded to registrant.

(d) The result of official analysis of any commercial fertilizer which has been found to be subject to penalty shall be forwarded by the commission to the registrant at least ten days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the commissioner, the report shall become official. Upon request the commissioner shall furnish to the registrant a portion of any sample found subject to penalty.

Right of purchaser or consumer to take sample and have analysis.

(e) Any purchaser or consumer may take and have a sample of mixed fertilizer or fertilizer material analyzed if taken in accordance with the following rules and regulations:

Notice to manufacturer or seller before taking sample.

(1) At least five days before taking a sample, the purchaser or consumer shall notify the manufacturer or seller of the brand in writing, at his permanent address, of his intention to take such a sample and shall request the manufacturer or seller to designate a representative to be present when the sample is taken.

Procedure for drawing sample.

(2) The sample shall be drawn in the presence of the manufacturer, seller, or a representative designated by either party together with two disinterested freeholders; or in case the man-

ufacturer, seller, or representative of either refuses or is unable to witness the drawing of such a sample, a sample may be drawn in the presence of three disinterested freeholders: *Provided,* any such sample shall be taken with the same type of sampler as used by the inspector of the Department of Agriculture in taking samples and shall be drawn, mixed, and divided as directed in paragraphs (1), (2), (3), (4), and (5) of subsection (b) of Section seven, except that the sample shall be divided into two parts each to consist of at least one pound. Each of these is to be place into a separate, tight container, securely sealed, properly labeled, and one sent to the commissioner for analysis and the other to the manufacturer. A certificate statement in a form which will be prescribed and supplied by the commissioner must be signed by the parties taking and witnessing the taking of the sample. Such certificate is to be made and signed in duplicate and one copy sent to the commissioner and the other to the manufacturer or seller of the brand sampled. The witnesses of the taking of any sample, as provided for in this Section, shall be required to certify that such sample has been continuously under their observation from the taking of the sample up to and including the delivery of it to an express agency, a post office or to the office of the commissioner.

Legal status of samples drawn under Section.

(3) Samples drawn in conformity with the requirements of this Section shall have the same legal status in the courts of the State as those drawn by the commissioner or any official inspector appointed by him as provided for in subsection (b) of this Section seven of this Act.

Restrictions as to suits for damages from use of fertilizer.

(4) No suit for damages claimed to result from the use of any lot of mixed fertilizer or fertilizer material may be brought unless it shall be shown by an analysis of a sample taken and analyzed in accordance with the provisions of this Act, that the said lot of fertilizer as represented by a sample or samples taken in accordance with the provisions of this Section do not conform to the provisions of this Act with respect to the composition of the mixed fertilizer or fertilizer material, unless it shall appear to the commissioner that the manufacturer of the fertilizer in question has, in the manufacture of other goods offered in this State during such season, employed such ingredients as are outlawed by the provisions of this Act, or unless it shall appear to the commissioner that the manufacturer of such fertilizer has offered for sale during that season any kind of dishonest or fraudulent goods.

SEC. 8. Plant Food Deficiency.

Determination of plant food deficiency.

(a) The commissioner in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in paragraph (j) of Section 3, and as provided for in paragraphs (b), (c), and (d) of Section 7.

Penalties assessed for deficiencies.

(b) If the analysis shall show that any commercial fertilizer falls short of the guaranteed analysis in any ingredient, a penalty shall be assessed in accordance with the following provisions:

Nitrogen deficiency; penalty.

(1) Total Nitrogen: A penalty of three times the value of the deficiency, if such deficiency is in excess of 0.20 of one per cent on goods that are guaranteed two per cent; 0.25 of one per cent on goods that are guaranteed three per cent; 0.35 of one per cent on goods that are guaranteed four per cent; 0.40 of one per cent on goods that are guaranteed five per cent up to and including eight per cent; 0.50 of one per cent on goods guaranteed above eight per cent up to and including thirty per cent; and 0.75 of one per cent on goods guaranteed over thirty per cent.

Deficiency in available phosphoric acid; penalty.

(2) Available Phosphoric Acid: A penalty of three times the value of the deficiency, if such deficiency exceeds 0.40 of one per cent on goods that are guaranteed up to and including ten per cent; 0.50 of one per cent on goods that are guaranteed above ten per cent up to and including twenty-five per cent; 0.75 or one per cent on goods guaranteed over twenty-five per cent.

Deficiency in soluble or available potash; penalty.

(3) Soluble or Available Potash: A penalty of three times the value of the deficiency, if such deficiency is in excess of 0.20 of one per cent on goods that are guaranteed two per cent; 0.30 of one per cent on goods that are guaranteed three per cent; 0.40 of one per cent on goods guaranteed four per cent; 0.50 of one per cent on goods guaranteed above four per cent guaranteed above eight per cent up to and including twenty per cent; and 1.00 per cent on goods guaranteed over twenty per cent.

Deficiency in basicity or acidity as calcium carbonate equivalent; penalty.

(4) Should the basicity or acidity as equivalent of calcium carbonate of any sample of fertilizer be found upon analysis to differ more than five per cent (or one hundred pounds of calcium carbonate equivalent per ton) from the guarantee, then a penalty of fifty cents per ton for each fifty pounds calcium carbonate equivalent, or fraction thereof in excess of the one hundred pounds allowed, may be assessed and paid as under paragraph (a) of this Section.

Excessive content of chlorine; penalty.

(5) Chlorine: If the chlorine content of any lot of fertilizer branded for tobacco shall exceed the maximum amount guaranteed by more than 0.5 of one per cent, a penalty shall be as-

sessed equal to ten per cent of the value of the fertilizer for each additional 0.5 of one per cent of excess or fraction thereof.

Deficiency in water insoluble nitrogen; penalty.

(6) Water Insoluble Nitrogen: A penalty of three times the value of the deficiency shall be assessed, if such deficiency is in excess of 0.10 of one per cent on goods guaranteed up to and including fifty-hundredths per cent; 0.20 of one per cent on goods guaranteed from five-tenths per cent to one per cent; 0.30 of one per cent on goods guaranteed from one per cent to two per cent; 0.50 of one per cent on goods guaranteed above two per cent and up to and including five per cent; and 1.00 per cent on goods guaranteed over five per cent.

Deficiency in nitrate nitrogen; penalty.

(7) Nitrate Nitrogen: A penalty of three times the value of the deficiency shall be assessed if the deficiency shall exceed 0.10 of one per cent for goods guaranteed up to and including five-tenths per cent; 0.15 of one per cent for goods guaranteed from five-tenths to one per cent; 0.25 of one per cent for goods guaranteed from one to two per cent; and 0.35 of one per cent for goods guaranteed above two per cent.

Deficiency in total magnesium or total magnesium oxide; penalty.

(8) Total Magnesium or Total Magnesium Oxide: If the magnesium content found falls as much as 0.30 of one per cent below the minimum amount guaranteed, a penalty of fifty cents per ton shall be assessed for each 0.15 of one per cent additional deficiency or fraction thereof. If the magnesium oxide content found falls as much as 0.50 of one per cent below the minimum amount guaranteed, a penalty of fifty cents per ton shall be assessed for each 0.25 of one per cent additional deficiency or fraction thereof.

Deficiency in total calcium or total calcium oxide; penalty.

(9) Total Calcium or Total Calcium Oxide: If the calcium content found falls as much as 0.70 of one per cent below the minimum amount guaranteed, a penalty of fifty cents per ton shall be assessed for each 0.35 of one per cent additional deficiency or fraction thereof. If the calcium oxide content found falls as much as 1.00 per cent below the minimum amount guaranteed, a penalty of fifty cents per ton shall be assessed for each 0.50 of one per cent additional deficiency or fraction thereof.

Deficiency in sulfur; penalty.

(10) Sulfur: If the sulfur content is found to be as much as 1.50 per cent below the minimum amount guaranteed in the case of all mixed fertilizers, including mixed fertilizers branded for tobacco, a penalty of fifty cents per ton for each 0.50 of one per cent additional excess or fraction thereof, shall be assessed.

Deficiencies or excesses in other constituents; penalties.

(11) Deficiencies or excesses in any other constitutent or constituents covered under items (6) and (7), paragraph (a), Section 4, of this Act which the registrant is required to or

may guarantee shall be evaluated by the commissioner and penalties therefor shall be prescribed by the commissioner.

Payment to consumer of penalties assessed.

(c) All penalties assessed under this Section shall be paid to the consumer of the lot of fertilizer represented by the sample analyzed within three months from the date of notice by the commissioner to the distributor, receipts taken therefor, and promptly forwarded to the commissioner: *Provided,* that in no case shall the total assessed penalties exceed the commercial value of the goods to which it applies. If said consumers cannot be found, the amount of the penalty assessed shall be paid to the commissioner who shall deposit the same in the Department of Agriculture fund, of which the State Treasurer is custodian. Such sums as thereafter shall be found to be payable to consumers on lots of fertilizer against which said penalties were assessed shall be paid from said fund on order of the commissioner and may be used by the commissioner as he may see fit for the purpose of promoting the agricultural program of the State.

Maximum assessment.

Payments to Commissioner of Agriculture when consumer not found.

Determination and publication of commercial values.

SEC. 9. Commercial Value.

For the purpose of determining the commercial values to be applied under the provisions of Section 8, the commissioner shall determine and publish annually the values per pound of nitrogen, phosphoric acid, and potash in commercial fertilizers in this State. The values so determined and published shall be used in determining and assessing penalties.

Minimum plant food content.

SEC. 10. Minimum Plant Food Content.

No superphosphate containing less than eighteen per cent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble or available potash totals less than twenty per cent shall be offered for sale, sold, or distributed in this State except for complete fertilizers containing twenty-five per cent or more of their nitrogen in water insoluble form of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble or available potash need not total more than eighteen per cent: *Provided, however,* there may be one grade of tobacco plant bed fertilizer in which the sum of the guarantees for total nitrogen, available phosphoric acid, and soluble or available potash shall not total less than sixteen per cent; and, *Provided, further,* that the water insoluble nitrogen guarantee in this tobacco plant bed fertilizer shall not be less than twenty-five per cent of the total; and *Provided, further,* there may be one grade of regular tobacco fertilizer (3-8-5). The water insoluble nitrogen guarantee in this tobacco fertilizer shall not be less than twenty-five per cent of

the total. This grade of regular tobacco fertilizer (3-8-5) shall be branded "low grade" and shall carry a red tag reading as follows:

Branding of "low grade" regular tobacco fertilizer.

THIS IS A LOW GRADE FERTILIZER. It costs too much per unit of plant food. You are paying too much for bagging, freight, labor, etc., on too much inert material. It is not recommended by your Experiment Station.

SEC. 11. Grade List.

Promulgation of lists of grades of mixed fertilizers.

The Board of Agriculture, after a public hearing open to all interested parties, and upon approval by the Director of the Agricultural Experiment Station, shall, prior to June 30th of each year or as early as practicable thereafter, promulgate a list of grades of mixed fertilizer adequate to meet the agricultural needs of the State. After this list of grades has been established, no other grades of mixed fertilizers shall be eligible for registration. The commissioner may revise this list of grades by conforming to the procedure prescribed in this Section.

Other grades ineligible for registration.

Revision of grades list.

It is provided, however, that any distributor may be permitted to sell one but not exceeding one brand and grade of specialty fertilizer not on the current approved list. The commissioner may, in his discretion, require a sample label to be submitted before registering such fertilizer.

Distributor permitted to sell one specialty grade not on list.

SEC. 12. False or Misleading Statements.

It shall be unlawful to make any false or misleading statement or representation in regard to any commercial fertilizer offered for sale, sold, or distributed in this State, or to use any misleading or deceptive trademark or brand name in connection therewith. The commissioner is hereby authorized to refuse the registration of any commercial fertilizer with respect to which this Section is violated.

False or misleading statements prohibited.

SEC. 13. Grade-Tonnage Reports.

Grade-tonnage reports.

Each person registering commercial fertilizers under this Act shall furnish the commissioner with a confidential written statement of the tonnage of each grade of fertilizer sold by him in this State. Said statement shall include all sales for the periods of July first to and including December thirty-first and of January first to and including June thirtieth of each year. The commissioner may, in his discretion, cancel the registration of any person failing to comply with this Section if the above statement is not made within thirty days from date of the close of each period. The commissioner, however, in his discretion,

may grant a reasonable extension of time. No information furnished under this Section shall be disclosed in such a way as to divulge the operations of any person.

SEC. 14. Publication.

Publication of information concerning fertilizers.

The commissioner shall publish at least annually, in such forms as he may deem proper, complete information concerning the sales of commercial fertilizers, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses based on official samples of commercial fertilizers sold within the State as compared with the analyses guaranteed under Section 4 and 5: *Provided, however,* that the information concerning production and use of commercial fertilizers shall be shown separately for periods July first to December thirty-first and January first to June thirtieth of each year, and that no disclosure shall be made of the operations of any person.

Rules, regulations, and standards.

SEC. 15. Rules, Regulations, and Standards.

The Board of Agriculture is authorized, after public hearing, to prescribe such rules and regulations as may be found necessary for the enforcement of this Act; and, upon recommendation of the Director of the Agricultural Experiment Station, to prescribe maximum chloring for tobacco fertilizer. All tobacco fertilizer must contain a minimum of two per cent magnesium oxide or its equivalent in magnesium.

Short weight; penalties.

SEC. 16. Short Weight.

If any commercial fertilizer in the possession of the consumer is found by the commissioner to be short in weight, the registrant of said commercial fertilizer shall within thirty days after official notice from the commissioner pay to the consumer a penalty equal to four times the value of the actual shortage. The commissioner may in his discretion allow reasonable tolerance for short weight due to loss through handling and transporting.

Cancellation of registration.

SEC. 17. Cancellation of Registrations.

The commissioner, upon approval of the Board of Agriculture, is authorized and empowered to cancel the registration of any brand of commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in the evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder: *Provided,* that no registration shall be revoked or refused until the registrant shall have been given a hearing by the commissioner.

"Stop sale" orders.

SEC. 18. "Stop Sale" Orders.

It shall be the duty of the commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this Act until the law had been complied with and said commercial fertilizer is released in writing by the commissioner of said violation has been otherwise legally disposed of by written authority. The commissioner shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this Act have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Seizure, condemnation, and sale.

SEC. 19. Seizure, Condemnation, and Sale.

Any lot of commercial fertilizer not in compliance with the provisions of this Act shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this Act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the State: *Provided,* that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer to bring it into compliance with this Act.

Punishment for violations.

SEC. 20. Violations.

Enumeration of offenses.

Each of the following offenses shall be a misdemeanor and any person upon conviction thereof shall be punished as provided by law for the punishment of misdemeanors:

Manufacture or sale of fertilizers containing injurious substances.

(a) To manufacture, offer for sale, or sell in this State any mixed fertilizer or fertilizer materials containing any substance used as a filler that is injurious to crop growth or deleterious to the soil, or to use in such mixed fertilizer or fertilizer materials as a filler any substance that contains inert plant food material or any other substance for the purpose or with the effect of defrauding the purchaser.

Sale of certain materials for fertilizer purposes.

(b) To offer for sale or to sell in this State for fertilizer purposes any raw or untreated leather, hair, wool waste, hoof,

horn, rubber or similar nitrogenous materials, the plant food content of which is largely unavailable, either as such or mixed with other fertilizer materials.

False or misleading representations.

(c) To make any false or misleading representation in regard to any mixed fertilizer or fertilizer material shipped, sold or offered for sale by him in this State, or to use any misleading or deceptive trademark or brand in connection therewith. The sale or offer for sale of any mixture of nitrogenous fertilizer materials under a name or other designation descriptive of only one of the components of the mixture shall be considered deceptive and fraudulent.

Authority to refuse registration when Section violated.

The commissioner is hereby authorized to refuse registration for any commercial fertilizer with respect to which this Section is violated.

Filing false statements with Commissioner.

(d) The filing with the commissioner of any false statement of fact in connection with the registration under Section four of any commercial fertilizer.

Obstructing enforcement of Act.

(e) Forcibly obstructing the commissioner or any official inspector authorized by the commissioner in the lawful performance by him of his duties in the administration of this Act.

Taking or submitting false samples.

(f) Knowingly taking a false sample of commercial fertilizer for use under provisions of this Act; or knowingly submitting to the commissioner for analysis a false sample thereof; or making to any person any false representation with regard to any commercial fertilizer sold or offered for sale in this State for the purpose of deceiving or defrauding such other person.

Fraudulent tampering with fertilizers, resulting in false samples.

(g) The fraudulent tampering with any lot of commercial fertilizer so that as a result thereof any sample of such commercial fertilizer taken and submitted for analysis under this Act may not correctly represent the lot; or tampering with any sample taken or submitted for analysis under this Act, if done prior to such analysis and disposition of the sample under the direction of the commissioner.

False and misleading reports to fertilizer chemist.

(h) The delivery to any person by the fertilizer chemist or his assistants or other employees of the commissioner of a report that is willfully false and misleading on any analysis of commercial fertilizer made by the department in connection with the administration of this Act.

Sales without required markings.

(i) Selling or offering for sale in this State commercial fertilizer without marking the same as required by Section 5 of this Act.

(j) Selling or offering for sale in this State commercial fertilizer containing less than the minimum content required by Section 10 of this Act. Sales of fertilizer containing less than minimum requirements.

(k) Failure to obtain and affix tags as provided for in this Act. Failure to obtain and affix tax tags.

SEC. 21. Exchange between Manufacturers. Exchanges between manufacturers.

Nothing in this Act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers or manufacturers who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers who have registered their brands as required by the provisions of this Act.

SEC. 22. Appeal. Appeals from assessments and orders of Commissioner.

Nothing contained in this Act shall prevent any person from appealing to a court of competent jurisdiction from any assessment of penalty or other final order or ruling of the commissioner or Board of Agriculture.

SEC. 23. Constitutionality.

If any clause, sentence, paragraph, or part of this Act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. Partial invalidity provision.

SEC. 24. Repeal. Conflicting laws repealed.

All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

SEC. 25. Effective date. Effective date.

Any carry over fertilizer in distributors' warehouses on the date on which this Act shall become effective may thereafter be sold in the usual course of business.

This Act shall take effect and be in force from and after the first day of July, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 748 **CHAPTER 1087**

AN ACT RELATING TO THE DISTRIBUTION, SALE, OR TRANSPORTATION OF ADULTERATED OR MISBRANDED INSECTICIDES, FUNGICIDES. RODENTICIDES, AND OTHER ECONOMIC POISONS AND DEVICES; REGULATING TRAFFIC THEREIN; PROVIDING FOR REGISTRATION AND EXAMINATION OF SUCH MATERIALS, IMPOSING PENALTIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Title.

SECTION 1. Title. This Act may be cited as the Insecticide, Fungicide, and Rodenticide Act of 1947.

Definitions.

SEC. 2. Definitions. For the purpose of this Act—

"Economic poison."

a. The term "economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Commissioner shall declare to be a pest.

"Device."

b. The term "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, bacteria, or weeds, or such other pests as may be designated by the Commissioner, but not including simple, mechanical devices such as rat traps, or equipment used for the application of economic poisons when sold separately therefrom.

"Insecticide."

c. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

"Fungicide."

d. The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi, or plant disease.

"Rodenticide."

e. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the Commissioner shall declare to be a pest.

"Herbicide."

f. The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"Insect."

g. The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class

Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice, also nematodes and other worms, or any other invertebrates which are destructive, constitute a liability and may be classed as pests.

"Fungi." h. The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living man or other animals.

"Weed." i. The term "weed" means any plant which grows where not wanted.

"Ingredient statement," "guaranteed analysis statement." j. The term "ingredient statement" or "guaranteed analysis statement" means a statement of the name and percentage of each active ingredient, together with the total precentage of the inert ingredients, in the economic poison; and, in addition, in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each stated as elemental (metallic) arsenic.

"Active ingredient." k. The term "active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

"Inert ingredient." l. The term "inert ingredient" means an ingredient which is not an active ingredient.

"Antidote." m. The term "antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

"Person." n. The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

"Board of Agriculture." o. The term "Board of Agriculture" or "Board" means the North Carolina Board of Agriculture.

"Commissioner." p. The term "Commissioner" means the Commissioner of Agriculture.

"Registrant." q. The term "registrant" means the person registering any economic poison pursuant to the provisions of this Act.

"Label." r. The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrap-

per of the retail package, if any there be, or relating to the economic poison or device when employed for commercial purposes.

"Labeling." s. The term "labeling" means all labels and other written, printed, or graphic matter

(1) upon the economic poison or device or any of its containers or wrappers;

(2) accompanying the economic poison or device at any time;

(3) to which reference is made on the label or in literature accompanying or relating commercially to the economic poison or device, except when accurate, non-misleading reference is made to current official publications of the State Experiment Station, the State College of Agriculture, the North Carolina Department of Agriculture, the North Carolina State Board of Health, or similar Federal institutions or other official agencies of this State or other States when such agencies are authorized by law to conduct research in the field of economic poisons.

"Adulterated." t. The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

"Misbranded." u. The term "misbranded" shall apply—

(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison—

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

(b) if its labeling bears any reference to registration under this Act;

(c) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals:

(e) if the label does not bear an ingredient or guaranteed analysis statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient or guaranteed analysis statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) if any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(g) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized safe practice, it shall be injurious to living man or other vertebrate animals or vegetation, to which it is applied, or to the person applying such economic poison, excepting pests and weeds.

SEC. 3. Prohibited Acts.

Prohibited acts:

a. It shall be unlawful for any person to distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

(1) Sale or distribution of economic poisons not registered; etc.

(1) Any economic poison which is not registered pursuant to the provisions of Section 5 of this Act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration: *Provided*, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic poison may be made within a registration period without requiring reregistration of the product: *Provided further*, that changes at no time are permissible if they lower the efficacy of the product.

(2) Sale or distribution of economic poisons, unless in registrant's unbroken container, and labeled as required.

(2) Any economic poison unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing

(a) the name and address of the manufacturer, registrant, or person for whom manufactured;

(b) the name, brand, or trade mark under which said article is sold; and

(c) the net weight or measure of the content subject, however, to such reasonable variations as the Board of Agriculture may permit.

(3) Sale or distribution of economic poisons, containing highly toxic substances, unless labeled as required.

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 6 of this Act, unless the label shall bear, in addition to any other matter required by this Act,

(a) the skull and crossbones;

(b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) a statement of an antidote for the economic poison.

(4) Sale or distribution of certain enumerated economic poisons, unless distinctly colored, etc., as required.

(4) The economic poisons commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium flouride, sodium flusoilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white or lightly colored powder economic poison which the Board of Agriculture, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; *Provided*, that the Board may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this Subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Sale or distribution of economic poisons, adulterated or misbranded.

(5) Any economic poison which is adulterated or misbranded, or any device which is misbranded.

b. It shall be unlawful—

Detachment, alteration, etc. of labels, prohibited.

(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from an economic poison in a manner that may defeat the purpose of this Act;

Other action to defeat purposes of Act, prohibited.

(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the nature or kind of economic poison or device to which such request relates, to furnish to or permit any person designated by the Commissioner to have access to and to copy such records of business transactions as may be essential in carrying out the purposes of this Act;

Refusal to furnish records and information to Commissioner, prohibited.

(3) for any person to give a guaranty or undertaking provided for in Section 8 which is false in any particular, except that a person who receives and relies upon a guaranty authorized under Section 8 may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

False guaranties, prohibited.

(4) for any person to use for his own advantage or to reveal, other than to the Commissioner, or officials or employees of the United States Department of Agriculture, or other Federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, in accordance with such directions as the Commissioner may prescribe, any information relative to formulas of products acquired by authority of Section 5 of this Act; and

Personal use of or revealing information relative to formulas, prohibited.

(5) for any person to oppose or interfere in any way with the Commissioner or his duly authorized agents in carrying out the duties imposed by this Act.

Interference with enforcement of Act, prohibited.

SEC. 4. Injunction.

Injunctions.

In addition to the remedies herein provided the Commissioner of Agriculture is hereby authorized to apply to the Superior Court for, and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of Section three, irrespective of whether or not there exists an adequate remedy at law.

SEC. 5. Registration.

Registration of economic poisons.

a. Every economic poison which is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State shall be registered in the office of the Commissioner, and such registrations shall be renewed annually; *Provided*, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying

the product as the same economic poison may be registered as a single economic poison; and additional names and labels may, in the discretion of the Commissioner, be added by supplement statements during the current period of registration. The registrant shall file with the Commissioner a statement including—

Statement by registrant filed with Commissioner.

Contents of statement.

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the economic poison;

(3) a complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and

(4) if requested by the Commissioner a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last reregistered.

Each brand, etc., registered, prior to sale.

b. The registrant, before selling or offering for sale any economic poison in this State, shall register each brand or grade of such economic poison with the Department of Agriculture upon forms furnished by the Department, and, for purposes of defraying expenses connected with the enforcement of this Act, shall pay to the Department an annual inspection fee of ten ($10.00) dollars for each and every brand or grade to be offered for sale in this State, whereupon there shall be issued to the registrant by the Department of Agriculture, a certificate entitling the registrant to sell all duly registered brands in this State until the expiration of the certificate. All certificates shall expire on December 31st, of each year and are subject to renewal upon receipt of annual inspection fees.

Inspection fee.

Certificate of registration.

Power of Commissioner to require submission of complete formula.

c. The Commissioner, whenever he deems it necessary in the administration of this Act, may require the submission of the complete formula of any economic poison. If it appears to the Commissioner that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this Act, he shall register the article.

Registration of article, when proposed claims warranted.

When proposed claims for article found not warranted, opportunity to make corrections allowed.

d. If it does not appear to the Commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify

the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the Act so as to afford the registrant an opportunity to make the necessary corrections.

Power of Commissioner to refuse registration, etc.

e. The Commissioner is authorized and empowered to refuse to register, or to cancel the registration of, any brand of economic poison as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in the evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder: *Provided*, that no registration shall be revoked or refused until the registrant shall have been given a hearing by the Board of Agriculture.

Registration not required as to intrastate shipments between plants of same person.

f. Notwithstanding any other provision of this Act, registration is not required in the case of an economic poison shipped from one plant within this State to another plant within this State operated by the same person.

Powers of Commissioner to determine pests; to determine toxic nature of economic poisons; etc.

SEC. 6. Determination; Rules and Regulations; Uniformity.

a. The Commissioner is authorized, after opportunity for a hearing,

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;

(2) to determine whether ecomonic poisons are highly toxic to man; and

(3) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirments of Section 3a (4) of this Act.

b. The Commissioner is further authorized

Collection and examination of samples.

(1) to effect the collection and examination of samples of economic poisons and devices to determine compliance with the requirements of this Act; and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or place supposed to contain economic poison, or devices, for the purpose of inspection or sampling, and to procure samples for analysis or examination from any lot, package or parcel of economic poison, or any device.

Publication of information concerning economic poisons.

(2) to publish from time to time, in such forms as he may deem proper, complete information concerninig the sale of economic poisons, together with such data on their production and use as he may consider advisable, and reports of the results of the analyses based on official samples of economic poisons sold within the State.

Establishment of rules, regulations, and standards.

c. The Board of Agriculture is authorized to prescribe, after public hearing following due public notice, such rules, regulations, and standards relating to the sale and distribution of economic poisons as they may find necessary to carry into effect the full intent and meaning of this Act.

Cooperation with U. S. Department of Agriculture, and other agencies.

d. In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, and to avoid increased costs to the people of this State due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, the Board of Agriculture and the Commissioner are authorized and empowered to cooperate with, and enter into agreements with, any other agency of this State, the United States Department of Agriculture, and any other State or agency thereof for the purpose of carrying out the provisions of this Act and securing uniformity of regulations.

Violations.

SEC. 7. Violations.

Notice of violations.

a. If it shall appear from the examination or evidence that any of the provisions of this Act or the rules and regulations issued thereunder have been violated, the Commissioner may cause notice of such violation to be given to the registrant, distributor, and possessor from whom said sample or evidence was taken. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the Board of Agriculture. If it appears after such hearing that there has been a sufficient number of violations of this Act or the rules and regulations issued thereunder, the Commissioner may certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the results of the examination of such sample duly authenticated by the analyst or other officer making the examination under the oath of such officer. It shall be the duty of every solicitor to whom the Commissioner shall report any violation of this Act to cause proceedings to be prosecuted without delay for the fines and penalties in such cases. Any person convicted of violating any provision of this Act or the rules and regulations issued thereunder shall be adjudged guilty of a misdemeanor and shall be punished in the discretion of the court.

Certification of facts to proper prosecuting attorney.

Prosecutions.

Punishment.

Commissioner not required to report minor violations.

b. Nothing in this Article shall be construed as requiring the Commissioner to report for the institution of proceedings under this Act, minor violations of this Act, whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

SEC. 8. Exemptions.

Exemptions from penalties for violations.

a. The penalties provided for violations of Section 3a of this Act shall not apply to—

(1) any carrier while lawfully engaged in transporting an economic poison within this State, if such carrier shall, upon request, permit the Commissioner or his designated agent to copy all records showing the transactions in and movement of the articles;

(2) public officials of this State and the Federal Government engaged in the performance of their official duties;

(3) the manufacturer or shipper of an economic poison for experimental use only

(a) by or under the supervision of an agency of this State or of the Federal Government authorized by law to conduct research in the field of economic poisons; or

(b) by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold", together with the manufacturer's name and address: *Provided, however,* that if a written permit has been obtained from the Commissioner, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit;

(4) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, designating this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act.

SEC. 9. Short Weight. If any economic poison in the possession of consumers is found by the Commissioner to be short in weight, the registrant of said economic poison shall within thirty days after official notice from the Commissioner pay to the consumer a penalty equal to four times the value of the actual shortage.

Penalty for short weight.

SEC. 10. "Stop Sale" Orders. It shall be the duty of the Commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of economic poison and to hold at a designated place when the

"Stop sale" orders.

Commissioner finds said economic poison is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said economic poison is released in writing by the Commissioner or said violation has been otherwise legally disposed of by written authority. The Commissioner shall release the economic poison so withdrawn when the requirements of the provisions of this Act have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Seizure, condemnation, and sale.

SEC. 11. Seizures, Condemnation, and Sale. Any lot of economic poison not in compliance with the provisions of this Act shall be subject to seizure on complaint of the Commissioner to a court of competent jurisdiction in the area in which said economic poison is located. In the event the court finds the said economic poison to be in violation of this Act and orders the condemnation of said economic poison, it shall be disposed of in any manner consistent with the quality of the economic poison and the laws of the State: *Provided*, that in no instance shall the disposition of said economic poison be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of said economic poison or for permission to process or relabel said product to bring it into compliance with this Act.

Delegation of duties of Commissioner to Department employees.

SEC. 12. Delegation of Duties. All authority vested in the Commissioner by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Department of Agriculture as the Commissioner may from time to time designate for said purpose.

Partial invalidity provision.

SEC. 13. Separability. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Conflicting laws repealed.

SEC. 14. Repeal. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Effective date.

SEC. 15. Effective Date. This Act shall take effect and be in force from and after the first day of January, 1948.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1128 **CHAPTER 1088**

AN ACT TO REGULATE AND FIX THE PENALTIES AND DISCOUNTS FOR NONPAYMENT OF TAXES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All taxes assessed or levied by Wake County or by any city, town, special district, or other political subdivision of Wake County in accordance with the provisions of existing tax laws, shall be due and payable on the first Monday in October of the year in which they are so assessed or levied, and if actually payed in cash:

Due date for payment of taxes levied by Wake County and political subdivisions therein.

(1) After the first day of October and on or before the first day of January next after due and payable, the tax shall be paid at par or face value.

Period during which tax payable at par.

(2) After the first day of January and on or before the first day of February next after due and payable, there shall be added to the tax a interest of one per cent (1%).

Schedule of interest rates for late payment of taxes.

(3) After the first day of February and on or before the first day of April next after due and payable, there shall be added to the tax a interest of two per cent (2%).

(4) On and after the second day of April the interest shall be, in addition to said two per cent (2%), one-half of one per cent (½ of 1%) per month, or fraction thereof, until paid, from said day on the principal amount of such taxes, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

(5) Should any taxpayer desire to make a prepayment of his taxes between August first and October first of any year, he may do so by making payment to the Tax Collector of Wake County or City Accountant, City Clerk, or Treasurer, as the governing body of the various political subdivisions, cities or towns of Wake County may determine, and shall be entitled to the following discount:

Provision for discounts for prepayment of taxes; officers to whom payment made.

If paid before September first, a deduction of one per cent (1%); if paid during the month of September, a deduction of one-half of one per cent (½ of 1%).

SEC. 2. That this Act shall apply to Wake County only.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1st, 1947.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 944 CHAPTER 1089

AN ACT TO AUTHORIZE THE CREATION OF FIRE PROTECTION DISTRICTS IN RURAL AREAS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Provision for creation of rural fire protection districts, Rowan County.

SECTION 1. Purpose of the Act.—The purpose of this Act is to provide a method for the creation of fire protection districts in rural areas in Rowan County so that said areas may secure the means of adequate protection to their property and needed assistance in emergencies caused by fires, floods, tornadoes or other catastrophes.

Petition by majority of landowners within territory.

SEC. 2. Petition of Majority of Landowners.—Whenever the organization and establishment of a fire protection district is desired by a majority of the resident freeholders or the owners of more than half the taxable value of the land and acreage which will be affected by or taxed for the expense of the proposed improvements as shown by the tax assessment rolls, at any rural district, territory, neighborhood or community in Rowan County, they shall signify such intention by presenting to the Clerk of the Superior Court of Rowan County a written petition setting forth the desires and purposes of such petitioners. Such petition shall contain the names and postoffice addresses of the petitioners, the exact area or areas in acres and a complete description of the boundaries of the real properties to be embraced within the proposed fire protection district, as shown by a map, chart or plat prepared and certified to by the county surveyor; said petition shall also contain a statement of the proposed fire protection district, and the proportion which the assessed valuation of the properties belonging to the signatories bears to the total assessed valuation, which fact must be certified to by the county assessors; *provided, however,* that no land, for which fire protection is otherwise provided by law, shall be embraced in any district formed under this Act without the consent of the owner or owners thereof. *Provided further* that said petition shall also state whether the levy of a tax on the issuance of bonds or both shall be voted upon.

Petition filed with Clerk of Superior Court.

Contents of petition.

Appointment of temporary fire protection district commission.

SEC. 3. Preliminary Procedure.—When the petition is approved by the Clerk of the Superior Court of Rowan County, he shall appoint a fire protection district commission to be composed of three members, resident in the area or areas to

be embraced in the proposed fire protection district, who shall serve without compensation and until the regular commissioners are elected as provided in Section 4 of this Act. It shall be the duty of the commissioners to acquaint themselves thoroughly with the possible ways of affording the desired fire protection and to estimate the cost of such a project. They shall make a written report to the Clerk which shall contain the conclusions drawn as to the best manner of establishing such fire protection and the estimated cost of putting the same into effect.

Duties.

SEC. 4. Election.—Upon receipt of the commissioners' report, the clerk shall call an election of the qualified voters of the proposed district to vote upon the establishment of the said district. The clerk shall provide registration and polling books for each precinct in the district, name the election officers, and set the date for the election. Notice of the election shall be given by publication at least three times in some newspaper published or circulated in the district. The first publication shall be at least one month before the election. It shall set forth the boundary lines of the area or areas included in the proposed district, the nature of the proposed fire protection measures, and the amount of money necessary to establish such system of fire protection. For the election, a new registration shall be ordered and notice of such registration shall be deemed to be sufficiently given if given by publication twice in some newspaper published or circulated in said proposed district, the first notice to be at least one month before the close of the registration books. The published notices of registration shall state the days on which the books shall be open for registration of voters and the place or places where they will be opened on Saturdays. The registration books shall close at the end of the second day before election day. The day before the election shall be challenge day, and except as otherwise provided in this Act, such election shall be held in accordance with the law governing general elections. The County of Rowan shall bear the expenses of conducting such election. The ballots to be used in said election shall have written or printed thereon the words "For the issuance of $———— Fire District Bonds and the levying of a tax for the payment thereof and for the maintenance of a fire protection system", and "Against issuance of $————Fire District Bonds and the levying of a tax for the payment thereof and for the maintenance of a fire protection system", or "For levying a tax for the maintenance of a fire protection system", and "Against levying a tax for a fire protection system". The petition of the Landowners provided for in Section 2 shall state which of the above questions shall be submitted to the voters in said election. At

Election on question of establishment of district.

Publication of notice of election.

Registration of voters.

Notice of registration.

Conduct of election.

Form of ballots.

Election of Commissioners.

Notice of candidacy.

Determination of results as to election of commissioners; terms.

this same election, the qualified voters shall vote on the election of three commissioners. Any person desiring to become a candidate for the office of commissioner shall file with the Clerk of the Superior Court of Rowan County a statement of such candidacy at least seven days before the election. The three candidates who receive the highest number of votes in the election shall be the duly elected commissioners, and shall hold office until the next general election and until their successors are elected and qualified. The successors of the first commissioners herein provided for and all succeeding commissioners shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of elective officers of Rowan County in the general election for such elective officers.

Organization of Board of Commissioners.

SEC. 5. Orgainzation of the Board of Commissioners.—If the majority of qualified voters cast their votes in favor of the issue of bonds and/or the levy of a tax for the establishment of a fire protection district, the duly elected and qualified commissioners shall take the oath of office prescribed for public officers, and as soon as practicable they shall meet and organize as the board of fire protection commissioners of said district. At such organization meeting they shall elect one of their number as chairman. All of the commissioners shall serve without compensation. In the event of any vacancy on the commission caused by death, resignation, or otherwise, the Clerk of the Superior Court of Rowan County shall have power to appoint a successor for the unexpired term. The board shall cause a copy of the plat showing the limits of area or areas included within the district to be filed in the office of the Register of Deeds of Rowan County. The board shall keep a record of their deliberations.

Service by Commissioners without pay.

Vacancies filled.

Plat showing limits of district, recorded.

Rights, powers, and duties of Commissioners.

SEC. 6. Powers and Duties of Commissioners.—The board of commissioners of said district shall be a body politic and shall exercise and enjoy all the privileges of such, with the right to sue and be sued and with all the rights, privileges, and authority incident and necessary for the proper functioning of their duties in said district. The board of commissioners may elect to enter into a contract or contracts with any municipality in the County of Rowan, and such municipalities are hereby authorized to enter into such contracts upon such terms and conditions agreebale to the board of commissioners and the governing body of any such municipality, by the terms of which the said municipality shall furnish and provide protection from fire to the residents of said district; and in the event such a contract shall be made and when the fire department of any said municipality shall respond to a call beyond the municipal

limits of said municipalities, they shall be deemed to have the same rights, authorities, privileges, and immunities which are now afforded them while responding to calls within their own municipalities and shall be deemed to be in the exercise of a governmental function.

Provision for establishment and equipment of rural fire department.

The board may elect, and they are hereby empowered to set up and equip a fire department for the district to be known as the Rural Fire Department of Fire Protection District No.——. They are authorized to employ the necessary personnel for the operation of the rural fire department of said district, fix their terms of office, compensation and duties, and to purchase, maintain, and equip motor vehicles and other proper and necessary fire fighting equipment; to lease, rent, purchase, buy or sell property necessary or incident to the storage use or equipment of such property and personnel. When the members of such Rural Fire Department of Rowan County are responding to a call and while working at a fire or other emergency within the limits of Rowan County they shall have the same authority, rights, privileges and immunities which are now afforded to the fire departments of the several municipalities of the State of North Carolina and shall be deemed to be in the exercise of a governmental function and shall hold the same privileges and immunities attendant upon the exercise of such functions as in the case of other governmental functions. The board shall make all necessary rules and regulations relative to effectuating and supervising in the district the system which is established.

Employment of personnel; terms; compensation; duties.

Powers, rights, privileges, and immunities of members of rural fire department.

Rules and regulations.

Tax levies.

SEC. 7. Tax Levies.—If a majority of the qualified voters cast their votes in favor of the establishment of a fire protection district in the election provided for in Section 4 of this Act, and the board elects to contract with a municipality as hereinabove provided, the amount of money necessary to meet the expenses of such an arrangement shall be raised by an additional annual tax levy upon all taxable property in the district in lieu of the issuance of bonds authorized at said election; and it shall be the duty of the officers of Rowan County charged with the assessment and collection of taxes, upon recommendation of the board of fire protection commissioners, to levy and collect annually, at the same time and in the same manner that other county taxes are levied and collected, from all property real and personal, within the limits of such district, a sum sufficient to maintain the system of cooperation with the said municipality. Each year before the levying of taxes for the county, the board shall make up an estimate or budget for the fire protection district, which shall give the estimated maintenance charges for the succeeding year, and submit the same to the Board of

Commissioners of Rowan County. The additional taxes so levied in the said district shall be due and payable at the same time that county taxes are due and payable, and shall constitute liens on all property in the district second only to the lien of county taxes. These additional levies shall be kept separate on the assessment roll from other levies, and monies so collected shall be kept in a separate fund for said district. The Treasurer of Rowan County shall disburse the same only upon the approval of the board of fire protection commissioners.

Bond issues.

SEC. 8. Bond Issues.—If the board of fire protection commissioners elect to organize a fire department in the district in lieu of contracting with the municipality, and if they are so empowered by the Petition of the Landowners and by the election creating the district they may issue bonds, not in excess of the amount voted for at the election. These bonds may be issued for the purpose of securing money for the purchase or lease of all property and equipment necessary in the establishment of an adequate fire department in the district. Such bonds shall be in such denominations as the board in their discretion shall deem to be expedient and at an interest rate not to exceed six percent. The provisions of the Municipal Finance Act shall be applicable to these bonds, except as otherwise provided in this Act. Such bonds shall constitute a lien upon the property in such district; and shall be the duty of the officers of Rowan County charged with the assessment and collection of taxes, upon recommendation of the board of fire protection commissioners, to levy and collect annually, at the same time and in the same manner that other county taxes are levied and collected, from all the property, real and personal, within the limits of such district, a sum sufficient to pay the operating expenses of the fire protection system and the interest on such bonds and also a sum sufficient to provide a sinking fund for the payment of such bonds when due. Each year before the levying of taxes the commissioners shall make up an estimate or budget for the district, which shall give the estimated maintenance charges and expenses for the succeeding year, and submit the same to the County Assessors for Rowan County. Taxes shall be levied on all assessable property in the district to meet these expenses. All taxes so levied in the said district shall be due and payable at the time that county taxes are due and payable and shall constitute liens on all property in the district and shall be kept separate on the assessment roll from other levies, and moneys so collected shall be kept in a separate fund for said district. The Treasurer of Rowan County shall disburse the same only upon the approval of the board of fire protection commissioners.

Interest rate.

Application of Municipal Finance Act.

Levy and collection of taxes.

Budget estimate.

Payment of taxes; tax liens.

Custody and disbursement of funds.

SEC. 9. That this Act shall apply only to Rowan County. Application of Act.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 1092 CHAPTER 1090

AN ACT FOR RAISING AND MANAGING A RETIREMENT PENSION FUND FOR THE LAW ENFORCEMENT OFFICERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to raise and manage funds for the relief of disabled and retired law enforcement officers of Cumberland County, and to perform the duties as fixed by this Act, there is hereby created a board to be known as "The Board of Trustees of the Retirement Fund of Cumberland County"; said board to consist of three members who shall serve without pecuniary compensation; appointments to which, as successors to the board hereinafter named, shall be made by the Board of County Commissioners of Cumberland County biennially hereinafter as the term of members expire. That Graham Bell is hereby appointed as trustee to serve for two years; A. M. Glover, to serve for four years; and Lacy S. Collier to serve for six years. At the expiration of the term of any trustee, a successor shall be appointed for six years by the Board of County Commissioners. All vacancies caused by death, resignation, or otherwise, on the said board shall be filled by the Board of County Commissioners of Cumberland County, who shall in such event appoint some faithful and suitable person to fill such vacancy, and the person so appointed shall hold for the remainder of the unexpired term for which he is appointed in the case by the Board of County Commissioners.

Creation of Board of Trustees of Retirement Fund of Cumberland County.

Service by members without pay.

Appointment of members.

Terms.

Vacancies filled.

SEC. 2. That on the first day of June, 1947, or as soon thereafter as practicable, organization of said board shall be perfected by the selection of its members of a chairman and a secretary; *provided, however,* that should death, resignation, or any other cause create a vacancy in the position of chairman or secretary during any year, nothing herein shall be construed to prevent the necessary reorganization at any time.

Organization of Board.

Cumberland County Treasurer made treasurer of funds and securities.

SEC. 3. That the Treasurer of Cumberland County shall be the treasurer for the funds hereinafter provided for, and all securities and property held or hereafter acquired and by virtue of this Act and all funds to be raised shall be collected, kept and deposited by said treasurer to the credit of such funds in banks or trust companies to be selected by him, subject to the approval of said board of trustees and to their control as in this Act provided. All payments by or on behalf of said fund shall be made by said treasurer on vouchers to be filed with said treasurer by means of checks counter-signed by the chairman of said board. Said treasurer shall before entering upon his duties as such, execute good and sufficient bond to be approved by the Clerk of the Superior Court of Cumberland County, payable to the County of Cumberland, conditioned on the faithful and proper discharge of his duties, and that he shall pay over and account for all moneys, securities, and property, that shall come into his hands as treasurer.

Disbursements.

Bond of treasurer.

Control over funds and investments vested in Board of Trustees.

SEC. 4. The board of trustees, organized as herein provided, shall have control over the funds derived under the provisions of this Act; and which may continue to receive and require the deposit of them as received to the credit of said funds, or invest the same in the name of the Board of Trustees of the Pension Fund of the County of Cumberland in interest-bearing bonds of the United States Government, the State of North Carolina, the County of Cumberland or the City of Fayetteville, as the board may deem most advantageous for the objects of this Act; and the said board shall empower to make all necessary contracts and to take all necessary remedies in the faithful performance of the duties under the terms of this Act. The said board may, and is authorized and empowered to, establish such rules and regulations from time to time for deposit, investment, preservation and administration of said funds, according to the true intent and meaning of this Act, and in the discretion of the said board.

Power of Board to make contracts; enforcement of Act.

Power to establish rules and regulations.

Powers of Board as to disbursement of funds.

SEC. 5. The board of trustees organized as herein provided shall have control of all payments to be made from such fund granted in pursuance to this Act and all necessary expenses. It shall hear and discuss all applications for pensions under this Act and make all necessary rules and regulations for its government and administration in the discharge of its duties and its decisions on applications for pensions shall be final and conclusive and not subject to review or revisal except by the board itself. To cause to be kept a record of its meetings and proceedings, and any person who shall wilfully falsely swear in any other or information in obtaining or procuring any relief for pensions under the provisions of this Act shall be guilty and punished as in case of perjury.

Rules and regulations as to pensions.

Decisions on applications for pensions.

Record of proceedings.

Punishment for giving false information.

Duties of Secretary.

SEC. 6. A full or complete record shall be kept by the secretary giving complete history and record of all actions of the board granting any payments under the provisions of this Act, including the name, date of joining any law enforcement officers, retirement, or incapacity, and the reasons therefor. All records and papers shall be carefully preserved and turned over to the succeeding officers of the board.

Reports by Board of Trustees to Board of Commissioners, Cumberland County.

SEC. 7. That on or before the first day of June, 1948, and annually thereafter, said board of trustees shall make a verified report to the Board of Cumberland County Commissioners, a verified and detailed report containing a detailed statement of all receipts and disbursements of the county's said fund, together with the name of each beneficiary and amount paid to the benefit of each beneficiary for an account to the said fund and the said board of county commissioners shall have the right at any time to make or cause to be made an examination by a competent auditor of the condition of the said funds.

Duties of County Attorney, under this Act.

SEC. 8. It shall be the duty of the county attorney to give advice to the board of trustees in all matters pertaining to its duties and management of said funds whenever requested to do so, and to represent and defend the said board of trustees in all suits or actions in law or in equity that shall be brought against it and shall bring all suits and actions in its behalf.

Exemption of moneys, securities, etc., from execution, attachment, taxation.

SEC. 9. That all moneys, securities, and effects of the funds provided for in this Act, either before or after distribution, as herein provided shall be and are hereby declared exempt from execution, attachment or otherwise exempt from any and all claims against any debt or liability of any pensioner of the said fund, and all securities, bonds, and money, or other things of value held by the trustees of said fund as a part of the pension fund created by this Act shall not be subject for taxation herewith by the State, county or municipality. The funds for the relief and pension of disabled and retired law enforcement officers of Cumberland County as contemplated by this Act shall be rated as follows:

Appropriations by Cumberland County Commissioners for relief and pension purposes.

A. The County Commissioners of Cumberland County shall on or before the first day of July, 1947, appropriate and provide for in its budget and pay over to the treasurer of the pension fund as herein provided for, a sum not less than five thousand dollars ($5,000) and in no event more than ten thousand dollars ($10,000), and thereafter shall provide for and pay a like amount into said fund annually or biannually, in the discretion of the board of county commissioners, *provided* that such payments shall not exceed the sum of five thousand dollars ($5,000) in any one year; and, *provided further*, that

when the said pension fund shall have reached that amount of such proportion that the interest thereon together with other anticipated income hereinafter provided for is sufficient to pay all pensions and necessary expenses, no further amount shall be paid over by the board of county commissioners until such time as interest and additional funds hereinafter provided for shall again not be sufficient to pay such pensions and necessary expenses.

Board of Trustees authorized to accept gifts, grants, devises, etc.

B. The board of trustees of said fund may take by gift, grant, devise, or bequest any money, real or personal property or other thing of value and hold or invest the same for the use of said fund in accordance with the purposes of this Act.

Proceeds from sale of certain unclaimed property, payable into pension fund.

C. All lost, abandoned, or unclaimed or stolen property in the possession of the office of the sheriff of Cumberland County for the space of six months and for which there shall be no lawful claimant, and after having been advertised for ten days in some newspaper published in Cumberland County, may be sold by the sheriff and the proceeds shall be paid into the pension fund herein provided for and become a part thereof.

Assessments against participants in retirement fund.

D. The board of trustees shall have the authority and it shall be their duty to impose an assessment upon all participants in this retirement fund for the purpose of the said fund provided such assessments are uniform and universally graded in relation to the salary or commission of which members are receiving. An assessment of three per centum (3%) of the monthly pay or commission, salary or compensation, of each

Deductions from salary.

member shall be imposed hereunder. Where any such assessment is duly imposed, the Treasurer of Cumberland County is hereby authorized, empowered, and directed to deduct said money as aforesaid from the pay due any such member and forthwith to pay the same into the treasury of said pension fund. When any assessment is imposed upon any officer as herein provided for and at the time said assessments are collected and paid into the said pension fund, the county treasurer is also authorized, empowered and directed to pay into the treasury of the pension fund, an amount equal to two per centum (2%) of the monthly pay, salary or compensation of the participating members and this amount shall be in addition to the amount hereinbefore provided for to be paid by the County.

Payment of additional amounts by County.

Effective date.

SEC. 10. This Act shall become effective, if ratified by the General Assembly of North Carolina on the first day of June, 1947, and shall apply to the following law enforcement officers of Cumberland County.

Law enforcement officers to which Act is applicable.

A. All persons elected by the people as law enforcement officers and who have been designated as a deputy sheriff by the board of county commissioners; the Sheriff of Cumberland County, including county jailer, and all rural policemen, deputy sheriffs who are both appointed and recognized by the Board of County Commissioners of Cumberland County as such.

Act not applicable to certain officers.

B. It not being the intention of this Act to include persons who are now or may hereafter be appointed as "Special Deputies" by the Sheriff of Cumberland County and who are not now or hereafter earning their chief and main support and livelihood as a law enforcement officer of Cumberland County.

Determination of persons qualified under Act.

SEC. 11. The Board hereinbefore named shall be the sole judges of those who are alleged to qualify and shall make a list within sixty days after organizing of those in Cumberland County to whom the Act shall and is intended to apply and the decisions of the said Board shall be final, and no officer shall be added to the said list except by and with the approval of the said Board whose duty it shall be to investigate each and every applicant for membership to determine whether or not such person is qualified according to the true intent and meaning of this Act.

Provision for retirement and pensioning of law enforcement officers.

SEC. 12. The Board of Trustees shall have power in its discretion in accordance with the provisions herein provided to retire from membership of the law enforcement officers of Cumberland County and thereupon to grant relief of pension to any such member who shall become disabled, physically or mentally or superannuated so as to be unfit for law enforcement duty as follows:

Retirement for total and permanent disability by reason of performance of duty.

A. Any officer of Cumberland County covered by the terms of this Act and who has qualified to be a member and decided as such by the Board of Trustees, who, while in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, shall become totally and permanently disabled physically or mentally so as to be unfit to perform duties as a law enforcement officer or to engage in other gainful occupation with reasonable regularity. Any member approved by the Board of Trustees as aforesaid who shall be retired for reasons herein stated and who has not more than five years service as a law enforcement officer of Cumberland County prior to the time of his retirement, shall be entitled to receive as a monthly pension an amount equal to 33⅓ per cent of monthly salary, pay, or commission he was receiving at the time of his retirement, which rate shall be increased two per centum for each additional year's service; but in no case shall he receive more than fifty per cent of his salary, pay or commission.

Retirement upon reaching eligible age.

B. Any law enforcement officer approved as aforesaid, who reaches the age of fifty-five (55) years or more, may voluntarily retire under the County Law Enforcement Officer provided such retiring member has been a member of the County Law Enforcement Officer and approved as aforesaid continuously for a period of twenty-five (25) years prior to the time he reaches the age of fifty-five years and shall be entitled to receive fifty per cent of the salary, pay, or average commission, he was receiving at the time his retirement became effective. The pensions herein provided for shall run for the remainder of the life of such retiring member or officer.

Payment of benefits in case of death prior to retirement.

If any qualified law enforcement officer shall die prior to his retirement without having received any benefits from the retirement fund, the Treasurer of said retirement fund shall pay to the widow or next of kin of the deceased member, the sum of one thousand dollars ($1,000.00). But in case the amount previously deducted from the deceased member's pay, salary or commission, plus interest at the rate of six per centum (6%) per annum exceeds the amount of one thousand dollars ($1,000.00), the entire sum deducted from his salary plus interest at six per centum per annum shall be paid to his widow or next of kin; but this provision shall not apply to any member who has been receiving retirement benefits prior to the time of his death.

Effect of withdrawal from or failure to participate in retirement fund.

If any qualified law enforcement officer, after being placed upon the eligible list to participate in this fund, shall voluntarily withdraw or fail to participate in the retirement fund as hereinbefore provided. The Treasurer of the Retirement Fund shall refund to him the amount less interest deducted from his salary during the time he was participating and qualified to participate as a member of the said fund, and any law enforcement officer qualified to participate and who has been so recognized by the Board of Trustees, shall have

Right to withdraw from participation in fund.

the right upon written application made by him to the Trustees of this fund, to withdraw from participating therein, and no further deductions shall be made from his monthly salary.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 13. This Act shall be in full force and effect from and after June 1st, 1947.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

H. B. 461 **CHAPTER 1091**

AN ACT TO PROMOTE THE EDUCATION AND TRAINING OF PRACTICAL NURSES AND TO PERMIT THE USE OF THE DESIGNATION "LICENSED PRACTICAL NURSES" AND TO PROVIDE FOR THE ISSUANCE OF LICENSES TO QUALIFIED PRACTICAL NURSES.

The General Assembly of North Carolina do enact:

G. S., Ch. 90, amended as to licensing of practical nurses.

SECTION 1. That Chapter 90 of the General Statutes of North Carolina is hereby amended by adding thereto a new article immediately following Article 9, to be designated as Article 9A, which shall read as follows:

N. C. Board of Nurse Examiners, enlarged for purpose of licensing practical nurses.

90-171.1. Board of Examiners. Solely and exclusively for the purpose of examining, licensing, and regulating practical nurses in accordance with and under the provisions of this Act and for the purpose of administering the provisions of this Act as it relates to practical nurses, the North Carolina Board of Nurse Examiners is hereby enlarged by adding to the Board three members who shall be practical nurses, who shall be appointed by the Undergraduate and Practical Nurses Organization, Incorporated, and the Practical Nurses Association of Durham. These practical nurse members added to the Board for the purposes stated shall be originally appointed for terms commencing on June 1, 1947, one for a term of one year, one for a term of two years, and one for a term of three years, and until their successors shall be appointed and shall qualify. Thereafter, appointments shall be for a term of three years. Following the formation of a Licensed Practical Nurses Association in North Carolina, all appointments of the practical nurse members of the Board, as enlarged, shall be made by such Licensed Practical Nurse Association.

Practical nurses as members; appointment.

Terms.

Later appointments by Licensed Practical Nurses Association.

Status of N. C. Board of Nurse Examiners, as to functions under G. S., Ch. 90, Art. 9.

For all other purposes, except as herein specifically provided, the membership of the North Carolina Board of Nurse Examiners shall be and remain constituted as provided by General Statutes, Chapter 90, Article 9, and except as herein specifically provided, the powers, duties, and functions of the Board as constituted by Chapter 90, Article 9, of the General Statutes, shall not be affected by the provisions of this Act.

Limited participation by practical nurse members of Board.

The practical nurse members of the Board, as enlarged by this Act, shall participate only in such action and functions of the Board as shall concern and affect matters relating to the examination, licensing and the regulation of undergraduate and practical nurses and relating to the administration of the provisions of this Act. No business shall be transacted or other action taken concerning undergraduate and practical

Presence of two practical nurse members required for action as to practical nurses.

nurses at any meeting of the Board, as enlarged by this Act, unless at least two of the practical nurse members shall be present.

Officers of enlarged Board.

The officers of the Board, as enlarged by this Act, shall be the officers of the North Carolina Board of Nurse Examiners, who shall continue to be registered professional nurses.

Duties of Secretary-Treasurer.

The Secretary-Treasurer of the Board shall keep and maintain separate records and accounts of the funds arising from fees received under the provisions of General Statutes, Chapter 90, Article 9, as amended, from registered professional nurses and applicants for licensure as registered professional nurses, and of the funds arising from fees received under the provisions of this Act from licensed practical nurses and applicants for licensure as licensed practical nurses.

Compensation of practical nurse members of Board.

Travel and hotel expenses.

The practical nurse members of the Board, as enlarged by this Act, shall receive a per diem for attendance at meetings of the Board not exceeding ten dollars ($10.00) per day, and in addition thereto they shall be entitled to their actual traveling and hotel expenses, to be approved by the enlarged Board, which shall be paid from the practical nurse funds arising from fees authorized by this Act.

Use of funds from fees received under this Act.

The Board, as enlarged by this Act, is hereby empowered to authorize and direct the use of the funds arising from fees received under the provisions of this Act from licensed practical nurses and applicants for licensure as licensed practical nurses, for the purpose of contributing towards the payment of joint office expenses and joint operating expenses, including salaries of the Secretary-Treasurer and other employees who serve both The North Carolina Board of Nurse Examiners and the Board, as enlarged by this Act, and including the salary of the Educational Director, in the event the same individual is serving and performs the duties of Educational Director with respect to both the schools and training of professional nurses and the schools and training of practical nurses; *provided, however,* that the amount of funds arising from fees received under the authority and provisions of this Act which may be so authorized and used for such joint purposes shall not exceed one-half of the total annual amount of such joint salaries and expenses during any fiscal year.

Limitation of use of funds.

Employment of Educational Director.

Duties and functions.

The Board, as enlarged by this Act, is authorized and empowered to appoint and employ an Educational Director, together with such assistants as the Board may deem necessary, for the purpose of performing such duties and functions as may be prescribed by the joint committee on standardization, as enlarged by this Act, in carrying out the provisions of this

Act. Such Educational Director may be the same individual acting and serving as Educational Director as provided for by the General Statutes, Section 90-160, in which event the salary and expenses of such Educational Director shall be fixed in accordance with the provisions of General Statutes Section 90-160. In the event an additional Educational Director shall be named by the Board, as enlarged by this Act, the Board is authorized to fix and to pay the salary of such director and assistants out of funds arising from fees authorized by this Act received from licensed practical nurses and applicants for licensure as licensed practical nurses.

Same individual as Educational Director for professional and practical nursing functions.

Additional Educational Director; assistants.

Salaries.

All moneys received from fees authorized by this Act from licensed practical nurses and from applicants for licensure as licensed practical nurses, in excess of the expenditures authorized and directed by the Board to be used for salaries and expenses as hereinbefore provided for, shall be held by the Secretary-Treasurer for future expenses and for extending practical nursing education in North Carolina. No moneys used in carrying out this Act shall be paid out of the State treasury.

Use of surplus funds for extending practical nursing education.

Funds from State treasury prohibited.

The Board, as enlarged by this Act, shall provide for the examination, licensing, and regulation of Licensed Practical Nurses, and shall provide for the licensing of those now practicing as undergraduate and practical nurses, or attendants, in the manner hereinafter provided.

General powers and functions of enlarged Board.

90-171.2. Committee on Standardization. Solely and exclusively for the purpose of carrying out the educational and standardization provisions of this Act, there are added to the joint committee on standardization, as provided for by the General Statutes Section 90-159, three practical nurse members, who shall be orginally appointed by the Undergraduate and Practical Nurses Organization, Incorporated, and the Practical Nurses Association of Durham, who shall serve for a period of three years from the date of appointment or until their successors are appointed and qualified. After the formation of a Licensed Practical Nurses Association, future appointments shall be made by such association. The practical nurse members shall participate only in those meetings or activities of the Standardization Committee as concern or pertain to practical nursing. This joint Committee on Standardization, as enlarged by this Act, shall have the power to establish standards and provide minimum requirements for the conducting of schools of practical nursing, of which applicants for examination for the practical nurses' license under this Act must be graduates before taking such examination. Nothing in this Act shall be construed to limit or otherwise affect the constitution, powers, duties, and functions of the joint committee on standardization cre-

Enlarged Committee on Standardization.

Initial appointment of practical nurse members.

Terms.

Future appointments.

Limited participation by practical nurse members.

Powers of enlarged joint Committee on Standardization.

Status of Joint Committee on Standardization created by G. S. § 90-159.

ated by General Statutes Section 90-159, as provided for by Chapter 90, Article 9, of the General Statutes.

Applications for licensure as Licensed Practical Nurse.

Qualifications.

90-171.3. Applicants; qualifications; procedure. Any applicant who desires to obtain a license to practice as a licensed practical nurse shall submit to the Board, on forms furnished by the Board, satisfactory written evidence under oath that the applicant is at least eighteen years of age, is a citizen of the United States, or has legally declared intention of becoming a citizen, is of good moral character, is in good physical and mental health, has completed an education through the first-year high school, or its equivalent, and has successfully completed a course of training for practical nursing approved and accredited by the Standardization Committee. The application shall be accompanied by a fee of ten dollars ($10.00) for examination and certification.

Examination of applicants.

Notice of examinations.

Character of examinations.

Issuance of certificate.

90-171.4. Examination; procedure. An examination for licenses to practice practical nursing shall be given by the Board at least once in each year, after notice of the time and place of holding the examination has been published at least once a week for four weeks immediately preceding such examination in such newspapers, having state-wide circulation as may be selected by the Board. The examination shall be of such character as to determine the fitness of the applicant to practice practical nursing of the sick. In the discretion of the Board written examinations may be supplemented by oral or practical examinations. If the result of the examination of any applicant shall be satisfactory to a majority of the Board, the secretary shall, upon an order of the Board, issue the applicant a certificate to that effect; whereupon the person named in the certificate shall be declared duly licensed to practice practical nursing in North Carolina.

License of present practitioners without examination.

Application.

Qualifications for license, without examination.

90-171.5. License without examination. Persons twenty years of age or over now practicing as undergraduate nurses, practical nurses, or performing similar services under any other title may make application to the Board for licensure as a Licensed Practical Nurse under this provision on or before July 1st, 1949. The above application shall be made on forms furnished by the Board, in the manner prescribed by the Board, and verified by oath. The Board, without requiring an examination, shall issue a license to practice as a Licensed Practical Nurse to any person found to be a citizen of the United States and a resident of North Carolina, twenty years of age or more, of good moral character, in good physical and mental health, and to have lived in and cared for the sick as a vocation in this state for two years immediately preceding the date of such application.

Before such license is issued such applicant must be favorably endorsed by two physicians licensed to practice in North Carolina who have personal knowledge of the applicant's qualifications as a practical nurse, must be endorsed by two persons who have employed the applicant in the capacity of a practical nurse. Endorsements required.

The fee for each such license shall be seven dollars and fifty cents ($7.50) and shall accompany each application filed under this section. License fee.

The Board upon written application and such references and proof of identity as it may by rule prescribe may issue a license to practice as a Licensed Practical Nurse without examination to any applicant who has been duly licensed or registered as a practical nurse, licensed or trained attendant, or as a person entitled to perform similar services under any other title under the laws of any other state, if, in the opinion of the Board the applicant meets the preliminary requirements for licensed practical nurses under the provisions of this Act upon application in the prescribed manner accompanied by a fee of ten dollars ($10.00). Issuance of license.

90-171.6. Licensed practical nurses formally recognized. A person holding a license to practice as a Licensed Practical Nurse in this State shall have the right to hold and use the title "Licensed Practical Nurse" and the abbreviaton "L. P. N." No other person shall assume such title or abbreviation, or any other word, symbols or letters to indicate that the person is a licensed or registered practical nurse unless licensed as such under the provisions of this Act. Licensed Practical Nurses formally recognized. Use of title.

90-171.7. Renewal of licenses annually; procedure and fees. The license of every person practicing under the provisions of this Act shall be renewed annually upon application to the Board. On or before November one of each year, the secretary of the Board shall mail to the last known address an application for renewal of license to every Licensed Practical Nurse in the State, but the failure to receive such application shall not excuse any practitioner from the requirments for renewal herein contained. The person receiving such application shall furnish the information indicated thereon and return the form to the Board with a renewal fee of one dollar ($1.00) prior to January one of the following year. Upon receipt of the application duly filled in and signed and the required fee, the secretary of the Board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the period beginning January 1st and ending December 31st of the following year. Such certificate of renewal shall constitute the holder thereof a duly Licensed Practical Nurse for Annual renewal of license. Application. Renewal fee. Issuance of certificate of renewal; effect.

Effect of failure to renew license.

the period indicated on such certificate. Failure to renew the license thus annually shall automatically result in forfeiture of the right to practice nursing in North Carolina as a Licensed Practical Nurse until application shall have been made and the fee therefor paid for the current year.

Revocation and suspension of licenses.

90-171.8. Revocation and suspension of licenses; procedure for reinstatement. The Board, as enlarged by this Act, shall have power to deny, revoke or suspend any license to practice as a Licensed Practical Nurse applied for or issued by the Board in accordance with the provisions of this Act for gross incompetency, negligence while on duty, the commission of a felony or a crime involving moral turpitude, habitual drunkenness, addiction to the use of drugs, or for any habit rendering her unfit to care for the sick, or for violation of any provision of this Act. The procedure for revocation or suspension of a license shall be in accordance with the provisions of Chapter 150 General Statutes of North Carolina, 1943, entitled, "Uniform Revocation of Licenses." Upon revocation or suspension of a license the name of the holder thereof shall be stricken from the roll of Licensed Practical Nurses in the hands of the Secretary of the Board.

Grounds.

Procedure.

Effect of revocation and suspension.

Reinstatement.

When the license of any person has been revoked as herein provided, the Board may, after the expiration of three months, and upon payment of a fee of five dollars ($5.00), entertain an application for and grant a new license without further examination. No such new license shall be granted except upon the affirmative vote of at least five members of the Board.

Accrediting of institutions and courses of training for practical nurses.

90-171.9. Accredited Institutions and Courses for Training Practical Nurses; powers of Standardization Committee. Any institution desiring to conduct a course for the training of Licensed Practical Nurses shall apply to the Standardization Committee, and submit evidence that it is prepared to give a course of not less than twelve months of theoretical instruction and practical training and experience in practical nursing prescribed in a curriculum adopted by the Standardization Committee and specified by law and that it is prepared to meet other standards and regulations adopted by the Standardization Committee. Such instruction and experience may be secured in one or more institutions approved for the purpose by the Standardization Committee. The length of such course shall not be less than twelve months. Upon receipt of such application, a survey of the institution or institutions with which the course is to be affiliated shall be made by an educational director designated by the enlarged Board, and a written report of such survey shall be submitted to the Standardization Committee. If in the opinion of the Standardization

Survey of institutions.

Report.

Committee the requirments for accredited courses for Licensed Practical Nurses are met, the Standardization Committee shall declare the course to be an accredited course for Licensed Practical Nurses. Action by Standardization Committee.

The Standardization Committee shall, annually or more often, as it may deem necessary, survey all courses for the training of Licensed Practical Nurses in the State. Written reports of such surveys shall be submitted to the Standardization Committee. If the Standardization Committee determines that any accredited course for the training of practical nurses is not attaining the standard required by the statutes and the Standardization Committee, notice thereof in writing specifying the deficiencies, shall be given immediately to the institution giving such course. If the deficiencies are not corrected to the satisfaction of the Standardization Committee within a reasonable time, the course of training shall be removed from the list of courses accredited for training Licensed Practical Nurses. Survey of courses of training. Reports to Standardization Committee. Powers and duties of Committee.

90-171.10. Article does not prohibit other persons from performing nursing service. No provision of this Act shall be construed to prohibit the performance of general nursing service by any person for compensation or gratuitously, or to prohibit the gratuitous nursing of the sick, the furnishing of services by domestic servants, friends or relatives, or any midwife or other person who does not assume to be or hold herself out to be a Licensed Practical Nurse. Unlicensed persons not prohibited from performing nursing service.

90-171.11. Violation of article: penalties. After the effective date of this Act it shall be unlawful for any person to: Punishment for violations of Act.

a. Represent herself to be a Licensed Practical Nurse or use the designation "Licensed Practical Nurse" or the abbreviation "L. P. N.", unless she is licensed under the provisions of this Act.

b. Make a material false statement or representation to the Board in applying for a license under this Act.

c. Refuse to surrender a license which has been revoked in the manner prescribed herein.

d. Represent that any school or course is approved or accredited as a course or school for the training of Licensed Practical Nurses unless such course or school has been approved and accredited by the Standardization Committee hereinabove referred to.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Meaning of "practical nurse" and "licensed practical nurse."

SEC. 2. The words "practical nurse" or "licensed practical nurse" shall mean and include "undergraduate nurse."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect on and after June 1st, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1039 CHAPTER 1092

AN ACT TO PROVIDE FOR THE INVESTIGATION AND PAYMENT OF CERTAIN CLAIMS GROWING OUT OF MOTOR VEHICLE ACCIDENTS INVOLVING GOVERNMENTAL EMPLOYEES.

The General Assembly of North Carolina do enact:

Investigation of certain claims growing out of motor vehicle accidents, by Board of Education.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of each claimant listed below in this Section, and upon production of satisfactory proof that a claim arose as a result of the negligent act of a governmental employee, and without contributory negligence on the part of the claimant or person in whose behalf the claim is asserted, the State Board of Education is authorized to pay said claimant a sum of money not in excess of the sum listed below in this Section opposite the name of the claimant.

Authority to pay claims.

List of claims, claimants, etc.

Claimant	Motor Vehicle Driver	County	Amount
Paul Kincaid	Henry Harvey Herman	Caldwell	$ 418.50
Scott Davis	Henry Harvey Herman	Caldwell	12.00
Lee Vernon Vaught	Henry Harvey Herman	Caldwell	7.50

Claimant	Motor Vehicle Driver	County	Amount
Dr. Lynn McIver	Employee (Lee Co. Bd. of Educ.)	Lee	$1500.00
Mrs. Edna Wayne	Roy Lee Godwin	Onslow	102.05
W. C. Ledbetter	Authorized driver of Macon Co. Public School System	Macon	500.00
Edward Carpenter	Regular driver	Gaston	246.79
D. J. Peterson	Ed Whitson	Yancey	28.00
M. G. Lane		Surry	126.00
W. A. Lytle	Authorized driver of Buncombe Co. Bd. of Education	Buncombe	51.12
Charles H. Lester	Harry Shoffner	Guilford	401.50
Elbert Winslow	James Walter Barnes	Gates	43.05
Dennis Ballard	Ulysses Eure	Gates	15.00
C. O. Gatling	Milton Knight	Gates	105.00
Gaston Dove		Bladen	213.00
G. M. McManus		Union	100.00
Mrs. Woodrow Lawson	David Whitt	Stokes	177.00
J. M. Sharp		Rockingham	325.00
H. B. Spruill	Tobe Daniel, Jr.	Gates	35.00
Mrs. Fred E. Hoover		Mecklenburg	283.42
W. C. Vaughan	John Philips	Wilson	70.80
Nick McGee	Archie Lloyd Richmond	Caswell	300.00
James H. Sparks		Rockingham	125.00
J. W. Russell	Bobby Matthews	Mecklenburg	126.14
Mrs. Lena Lloyd	Employee (Orange Co. Bd. of Educ.)	Orange	150.00

Claimant	Motor Vehicle Driver	County	Amount
Leslie Game	Julia Pittman	Johnston	$187.56
D. L. Webster	James A. Webster	Guilford	50.38
S. S. Alexander	Driver of Ronda school bus	Wilkes	235.36
Sam H. Jones	Driver of Lincoln Heights colored school bus	Wilkes	170.65
James R. Smith		Forsyth	1101.00
Mrs. Ruby Tharpe	Driver of Ronda School bus	Wilkes	133.79
J. M. Blevins	Driver Mulberry School bus	Wilkes	50.00
W. B. Somer	Driver Wilkesboro School bus	Wilkes	26.00
Hubert L. Barrier	Wayne Loflin	Randolph	925.00
Havannah P. Allen	Wayne Loflin	Randolph	670.65
Mabel Lee Miller	Regular Driver, Bd. of Educ. bus	Guilford	2500.00
A. M. Richardson	Regular employee of Bd. of Education	Guilford	25.23
R. Kenner Amos	Regular employee of Bd. of Education	Guilford	82.07
W. Ray Spencer	Regular employee of Bd. of Education	Guilford	100.00
Mrs. Dorothea S. Cowan	Regular employee of Bd. Educ.	Buncombe	89.64
J. M. Mathes & Co.	Alton Nichols	Durham	111.80
Tom McGhee		Caswell	203.30
Mrs. Gertrude L. Cox		Northampton	231.63
Roy B. Huffman		Catawba	398.84
R. H. Eagle	Cabarrus County School bus Driver	Cabarrus	90.24

Claimant	Motor Vehicle Driver	County	Amount
Bruce Simpson	Cabarrus County School bus driver	Cabarrus	$467.74
Miss Ola G. Wall	Harry Trinks	McDowell	113.63
Mrs. Faye L. Wells	(J. B.) Harry Trinks	McDowell	25.00
E. V. Quick	Herbert Whitley	Richmond	287.15
John Tucker	Raymond Hailey (Morrison Training School truck)	Richmond	151.00
Miss Ida Sams	Raymond Hailey	Richmond	15.50
E. T. Smith	Driver Martin County School bus	Martin	329.91 less any amount of compensation received by E. T. Smith by way of insurance.
Bessie Burleson	Regular employee of Bd. of Educ.	Buncombe	57.39
C. W. Gibbs		Hyde	9000.00
Loyd H. Ivey		Bladen	206.00
Charles C. James		Mecklenburg	47.50
Mrs. Neil H. Jones		Cumberland	313.45
Hugh Anderson		Davie	18.00
G. G. Green		Warren	102.79
Mark Ashley	Paul Macemore	Yadkin	10.00
Claude Jester	Henry Wilhelm	Yadkin	40.00
Ralph Hanes	Phil Long	Yadkin	500.00
W. M. Wyatts	J. D. Davis	Yadkin	100.00
Helen H. Cox	John G. Reece	Yadkin	25.00
Charles Walker	E. A. Windsor	Yadkin	25.00
Henry Lashmit	J. D. Davis	Yadkin	25.00

Claimant	Motor Vehicle Driver	County	Agent
Dewey Simmons		Alexander	$ 116.03
James E. Johnson		Surry	44.50
J. H. Williams		Nash	557.00
Roy Fenters		Stanley	347.09
Howard F. George		Wake	99.20
Glenn White		Cleveland	302.62
Louise Pinkerton		Haywood	600.00
Howard Dickens	Sol Green Jenkins	Halifax	600.00
C. W. Overcash	Harry David Litaker	Cabarrus	58.34
Sherrill Burris		Cabarrus	42.00
Clerk of Superior Court of Franklin County for parents of Verle Davis, De-Otha Crudup, Lerene Kearney and James N. Randall	School Bus	Franklin	2400.00
Mary Jane Baker	Runaway Bus	Forsyth	57.27
David Luper	Ray Smith	Forsyth	40.70
Mrs. Dewey Coffey	Gilbert Holshouser	Avery	21.00
Mrs. Binson Coffey	Gilbert Holshouser	Avery	75.00
Charlie Mackie	School Bus	Scotland	200.00
J. H. Chaney	School Bus	Union	40.00
Jamie L. Wilson	Board of Education		51.00

Other departments, agencies, etc., authorized to investigate and pay claims.

SEC. 2. Each State department, board, commission, agency or institution listed below in this Section is hereby authorized to investigate the claim of each claimant listed below opposite the name of said State Department, board, commission, agency or institution, and upon production of satisfactory proof that the claim is meritorious and that the claimant should be compensated, the said State department, board, commission, agency or institution is authorized to pay said claimant a sum of

money not in excess of the sum listed below in this Section opposite the name of the claimant. Whenever the agency listed below is other than a board or commission, the head of the agency listed is authorized to appoint a committee of three members to make the investigation provided for in this Section.

Claimant	State Department	County	Amount	List of claims, claimants, etc.
Herman Waters	Motor Vehicle Department Nolan W. Ipock, Highway Patrolman	Craven	$ 185.65	
H. L. Snell	State Highway and Public Works Commission	Beaufort	400.00	
W. H. Snell	State Highway and Public Works Commission	Beaufort	100.00	
W. C. Helms, Jr.	State Highway and Public Works Commission	Carteret	1153.00	
Collis Lewis, Jr.	State Board of Education	Pitt	1500.00	
J. H. Warner	State College of the University of N. C., Julius T. Hansen, Driver	Wake	795.16 "plus"	
Obie Hinton for Obie Hinton, Jr., and Kenneth Hinton	State Board of Education	Johnston	425.30 "plus"	
Brady Barbee	State Board of Education	Rowan	3450.00	
George C. Maynard	State Highway and Public Works Commission	Rowan	250.00	
D. H. Jordan	State Board of Health	Wake	383.40	
Henry Henderson	Conservation & Development	Onslow	3000.00	

Claimant	State Department	County	Amount
S. T. Godwin	Conservation & Development	Johnston	$ 377.10
L. Watts Norton	State Highway and Public Works Commission	Durham	2230.26
James Fields	State Highway and Public Works Commission	Warren	200.00
Radford Payne	State Highway and Public Works Commission	Stokes	5000.00
Samuel E. Tobin	State Highway Patrol Motor Vehicle Department	Cumberland	183.04
P. G. Glass	State Highway Patrol Motor Vehicle Department	Cabarrus	112.50
T. A. Plyler and Mrs. T. A. Plyler	State Highway and Public Works Commission	Union	2353.75
Florence T. Jackson and C. L. Jackson	Conservation & Development	Brunswick	2500.00
Paul Dunn	State Highway and Public Works Commission	Cumberland	2000.00

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. B. 1129 **CHAPTER 1093**

AN ACT FOR THE RELIEF OF HAROLD CHAPPELL OF YADKIN COUNTY FOR INJURIES TO HIS PERSON AND AUTOMOBILE INCURRED IN A SCHOOL BUS ACCIDENT.

Preamble:

WHEREAS, on the 1st day of April, 1947, in Yadkin County a school bus was being driven by Virgil Swain attempted to turn said school bus into a side road to the left of the highway and the signal arm on said bus was either not working or was not put out by the driver; that as a result Harold Chappell who was driving a 1946 Chevrolet car was struck by said bus and received three broken ribs and other injuries, and his automobile was damaged to an estimated amount of five hundred dollars ($500.00): *Now, therefore,*

Personal injuries and automobile damages, sustained by Harold Chappell.

The General Assembly of North Carolina do enact:

Investigation and payment of claim of Harold Chappell by State Board of Education.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Harold Chappell and pay to Harold Chappell such sum as it may deem just and proper in view of all facts in the case not exceeding five hundred dollars ($500.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 137 **CHAPTER 1094**

AN ACT TO REQUIRE THE OPERATORS OF TRUCKS HAULING LEAF TOBACCO IN BARRELS OR HOGSHEADS TO FASTEN SECURELY SAID BARRELS OR HOGSHEADS.

The General Assembly of North Carolina do enact:

G. S. § 20-120, amended.

SECTION 1. Section 20-120 of the General Statutes is hereby amended by adding at the end thereof the following:

Regulation of transportation of tobacco in hogsheads by truck.

It shall be unlawful for any firm, person or corporation to operate or permit to be operated on any highway of this State a truck or trucks on which leaf tobacco in barrels or hogsheads is carried unless such barrels or hogsheads are reasonably

securely fastened to such truck or trucks by metal chains or wire cables or tarpaulin, or manila or hemp ropes of not less than one-half inch in diameter, to hold said barrels or hogsheads in place under any ordinary traffic or road condition. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days: *Provided,* that the provisions of this paragraph shall not apply to any truck or trucks on which the hogsheads or barrels of tobacco are arranged in a single layer, tier, or plane, it being the intent of this paragraph to require the use of metal chains or wire cables only when barrels or hogsheads of tobacco are stacked or piled one upon the other on a truck or trucks. Nothing in this Act shall apply to trucks engaged in transporting hogsheads or barrels of tobacco between factories and storage houses of the same company unless such hogsheads or barrels are placed upon the truck in tiers. In the event the hogsheads or barrels of tobacco are placed upon the truck in tiers same shall be securely fastened to the said truck as hereinbefore provided in this Act.

Punishment for violations of Act.

Act not applicable to transportation under certain conditions.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Emergency declared.

SEC. 3. An existing emergency and the public necessity require that this Act become, and it shall become, effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 240 **CHAPTER 1095**

AN ACT TO REWRITE CHAPTER 162 OF THE PRIVATE LAWS OF 1929 RELATING TO THE JURISDICTION OF THE MAYOR OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Ch. 162, Private Laws, 1929, amended.

SECTION 1. That Chapter 162 of the Private Laws of 1929, the same being "An Act to Enlarge the Jurisdiction of the Mayor of Franklinton", is hereby rewritten so that the same shall hereafter read as follows:

Jurisdiction of Mayor of Franklinton, as a court.

SECTION 1. That the Mayor of the Town of Franklinton, as a court, shall have the following jurisdiction within the following named territory:

Original and concurrent jurisdiction with Justices of Peace, within corporate limits.

1. Original and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the Town of Franklinton which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses which the mayor, as a court, now has jurisdiction.

Original and concurrent jurisdiction with J. P., outside limits, within one mile radius.

2. Original and concurrent jurisdiction with justices of the peace of all offenses committed outside the corporate limits of the Town of Franklinton and within a radius of one mile thereof, which is now or may hereafter be given to justices of the peace under the Constitution and general laws of the State.

Original jurisdiction of offenses below felony grade.

3. Original jurisdiction of all other criminal offenses committed within the corporate limits of the Town of Franklinton and outside, but within a radius of one mile thereof, which are below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors.

Concurrent jurisdiction with Justices of Peace, as committing magistrate.

4. Concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime committed within the territory above mentioned, of which the mayor, as a court, is not herein given final jurisdiction.

Power to punish for contempt, etc.

5. All jurisdiction given by the general laws of the State to justices of the peace, or to the Superior Court, to punish for contempt, to issue writs ad testificandum, and other process to require the attendance of witnesses and to enforce the orders and judgments of the mayor.

Bond required when probable cause found.

6. In all cases heard by the Mayor of the Town of Franklinton against any person for any offense whereof the mayor has not final jurisdiction and in which probable cause of guilt is found, such person shall be bound in a bond or recognizance with sufficient surety to appear at the next succeeding term of the Superior Court of the county for the trial of criminal cases, and in default of such bond or recognizance he shall be committed to the common jail of the county to await trial; but in all capital cases such person shall be committed to the common jail of the county without bail.

Defendant committed to jail, in default of bond.

Punishment of persons convicted or pleading guilty in Mayor's Court.

7. All persons pleading guilty or convicted in the court of the Mayor of the Town of Franklinton of any offense of which the mayor has final jurisdiction shall be fined or imprisoned, according to law, and any person entering a plea of guilty, or who may be convicted of any such offense, shall also pay the costs of the prosecution. When any person is convicted, or pleads guilty, of any offense of which the Mayor of the Town of Franklinton has final jurisdiction, the mayor may sentence

him to the common jail of the County of Franklin and to be assigned to work under the State Highway and Public Works Commission as provided by Section 148-30 of the General Statutes or he may be sentenced in accordance with the provisions of Section 148-32 of the General Statutes or if the prisoner is a woman or an infant, the Mayor of the Town of Franklinton may sentence such person to any State reformatory, training school or other correctional institution as now provided by law. That all persons sentenced to imprisonment by the mayor shall be turned over to the Sheriff of Franklin County for such disposition as may be provided in the judgment of the court or held in prison by said sheriff under the same laws governing the imprisonment of persons convicted in the County Recorder's Court or in the Superior Court of said county. Any person convicted of any offense of which the Mayor of the Town of Franklinton has final jurisdiction may appeal to the Superior Court of the county from any judgment or sentence of the mayor in the same manner as is now provided for appeals from the courts of justices of the peace. Upon such appeal, the defendant shall be required to give bond or recognizance with sufficient surety for his appearance at the next term of the Superior Court; and in default thereof, the mayor shall commit him to the common jail of the County of Franklin until he shall give bond or be otherwise discharged by law.

Prisoners delivered to Sheriff.

Appeal to Superior Court.

Bond for appearance.

Issuance of process.

8. The Mayor of the Town of Franklinton may issue process to the Chief of Police of the Town of Franklinton who is authorized to serve such process within the jurisdictional limits herein provided or such process may be issued to the Sheriff, Constable or other lawful officer of Franklin County.

Town Clerk made clerk of Mayor's Court.

Duties.

9. The clerk of the governing body of the Town of Franklinton shall ex-officio discharge the duties of the clerk of the mayor's court, and it shall be the duty of the Clerk of the Mayor's Court of the Town of Franklinton to keep an accurate and true record of all costs, fines and punishments by the mayor imposed, and the record should show the name, the offender, the nature of the offense, the date of the hearing of the trial, punishment imposed and such other information as the governing body of the Town of Franklinton may prescribe, including such dockets, files and other records necessary for the business of the mayor's court.

Powers of Mayor to grant continuances, take bonds, etc.

10. The Mayor of the Town of Franklinton, as a court, shall have the same authority to grant continuances, take bonds and recognizances and render judgments on forefeited bonds and recognizances as is now vested by law in the Superior Courts, and the procedure regulating the issuance and service of notices against defendants and their sureties upon bonds and

recognizances, and all other proceedings in taking and enforcing judgments in such cases shall be the same as in Superior Courts in like cases. Transcripts of any judgments rendered may be docketed in the Superior Court of the county in which such court is held in the same manner and with the same effect as judgments of other courts docketed as provided by daw.

Transcripts of judgments.

SEC. 2. The governing authority of the Town of Franklinton shall appoint a solicitor or prosecuting attorney for the mayor's court herein provided who shall appear for the prosecution in all cases therein and for his services he shall be paid a sum not to exceed six hundred dollars ($600.00) per year to be fixed by the governing authority of the Town of Franklinton. In each case tried by the Mayor of the Town of Franklinton, there shall be taxed in the bill of costs against each defendant a solicitor's fee in the amount of four dollars ($4.00) except that such solicitor's fee shall not be taxed in any bill of costs against any defendant where the case is for an offense within the jurisdiction of a justice of the peace. The Solicitor of the Mayor's Court of the Town of Franklinton shall serve during the pleasure of the governing authority of the Town of Franklinton and may at any time be dismissed by said governing authority.

Appointment of prosecuting attorney for Mayor's Court.

Compensation.

Solicitor's fee taxed as part of costs.

Term of office.

SEC. 3. That the costs to be taxed in criminal cases in the said Mayor's Court of the Town of Franklinton shall be the same as that provided by law in the County Recorder's Court of said Franklin County with the exception that in all cases dealing with offenses within the jurisdiction of a justice of the peace the costs shall be the same as that now taxed by justices of the peace in Franklin County. The mayor shall have full power in any case in which he shall adjudge that the prosecution was not required by the public interest to tax the prosecutor with the cost of such action; and in the event the mayor shall adjudge that the prosecution is frivolous or malicious, he shall imprison the prosecutor for the nonpayment of such costs as provided by law for similar cases in other courts. When the costs are paid, they shall belong to the Town of Franklinton and be paid into the general fund of said town.

Costs in Mayor's Court.

Power to tax prosecutor with costs in certain cases.

Costs payable into general fund of Town.

SEC. 4. All costs incurred in issuing warrants and serving the same where the mayor does not have final jurisdiction, and for the service of process arising in such cases when the process is served by an officer of the Town of Franklinton shall be paid to the municipality. Where such officer is not an officer of the Town of Franklinton, such costs shall be dealt with as now provided by law.

Certain costs payable to municipality.

Salary of Mayor.

SEC. 5. That the mayor of the Town of Franklinton shall receive a salary for the services in the sum of not exceeding fifty dollars ($50.00) per month, in the discretion of the commissioners or governing authority of said town, payable monthly out of the general funds of the Town of Franklinton.

Provision for jury trials.

If either the solicitor or the accused shall ask for it, the mayor shall allow a trial by jury. The jurors shall be summoned from Franklinton Township and the clerk of the board of commissioners shall furnish to the mayor on demand a list of the jurors for Franklinton Township. The governing authority of the Town of Franklinton is authorized and empowered to fix, in its discretion, the amount of fees and mileage that shall be paid the jurors attending pursuant to summons, including those who attend but do not actually serve as well as those who do serve. That except as herein above provided, the mayor shall try the same as is now provided in actions before justices of the peace wherein a jury is demanded, and the same procedure as is now provided by law for jury trials before justices of the peace shall apply, including Article 20 of Chapter 7 of the General Statutes.

Fees and mileage allowances payable to jurors.

Procedure in jury trials.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 336 CHAPTER 1096

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY AND THE TRUSTEES OF THE CANTON GRADED SCHOOL DISTRICT TO ERECT A COLORED SCHOOL BUILDING IN SAID DISTRICT, AND A LUNCH ROOM FOR THE MORNING STAR SCHOOL IN SAID DISTRICT, AND TO AMEND GENERAL STATUTES, SECTION 143-129 IN SO FAR AS IT CONFLICTS WITH THE PROVISIONS OF THIS ACT.

Preamble: Constitutional requirements as to school operations.

WHEREAS, the constitutional laws of the State of North Carolina require the maintenance of a nine-months school in all counties and districts of the State; and

Duty of Haywood County Commissioners.

WHEREAS, it is the duty of the Board of Commissioners of the County of Haywood to pay for the construction of school building; and

Duty of Canton Graded School District trustees.

WHEREAS, the Canton Graded School District is a special chartered school district and the trustees of the Canton Graded School District have the duty imposed upon them by law to operate the schools within said district and to supervise the construction of buildings in said district; and

Destruction of colored school building; church no longer available for school use.

WHEREAS, the colored school building in Canton Graded School District burned in December, 1945, and since said date the school has been operated and conducted in a colored church and that the officials of said church have notified the trustees of said district that the church building will not be available for school purposes after the end of the present school term; and

Construction of school building for colored students.

WHEREAS, there is only one other colored school building in the County of Haywood, the same being located at Waynesville and it is the intention of the Board of Commissioners of Haywood County and the trustees of Canton Graded School District that a new building be constructed in the Canton Graded School District and that all of the colored high school students in said county attend school in said Canton Graded School District, the Waynesville School Building being inadequate to care for said high school students; and

Need for lunch room at Morning Star School building.

WHEREAS, the school for white children known as the Morning Star School Building in said district is in need of a lunch room; and

School trustees unable to construct building and lunch room by reason of G. S. § 149-129

WHEREAS, the trustees of the Canton Graded School District have advertised three times for bids for the construction of said school building and lunch room, as aforesaid, and they have failed to receive a legal bid for the construction thereof, but only received bids on the basis of cost plus ten per cent, or cost plus a fixed fee, and that by reason of the provisions of General Statutes 149-129 the Board of Commissioners and the trustees have been unable, and are unable, to construct said building and lunch room: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authority for construction of school building and lunch room Canton Graded School District, Haywood County

Authority to purchase materials, hire labor

SECTION 1. That the Board of Commissioners of Haywood County and the trustees of the Canton Graded School District are hereby authorized and empowered, in their discretion, to proceed to construct a school building in the Canton Graded School District for colored students and to construct a lunch room for the Morning Star School in said district, and that said board and trustees may proceed to purchase the materials and hire the labor therefor without the letting of a contract,

Authority to make contract for construction on cost plus basis.

or the Board of Commissioners of Haywood County and the Trustees of Canton Graded School District may contract the construction of said school building and lunch room upon a cost basis with a commission not to exceed ten per cent, and in such case separate contracts may be let as to each project and as to the general contract and as to heating and plumbing and wiring.

Bond required of contractor, if construction done under contract.

SEC. 2. That if any or all of said work is done under contract as herein provided, each and every contractor shall furnish bond with some surety company legally doing business in the State of North Carolina to guarantee the faithful performance of such contract, including the payment of all labor and materials according to contract.

Form of contract.

SEC. 3. That any contract entered into shall be in writing and shall be executed by the Board of Commissioners of the County of Haywood and by the Trustees of Canton Graded School District and such contractors as may be involved.

Restrictions upon County Commissioners as to financing construction.

SEC. 4. That the Board of Commissioners of the County of Haywood shall not enter into such contract unless they have the money available, or can make the same available out of the taxes of the fiscal year 1947-1948, but the Commissioners of Haywood County may use any funds which they have, or may have, that are not specifically pledged for some other purpose, or that may be required by law to be used for some other purpose.

Period of effectiveness of Act.

SEC. 5. The provisions of this Act shall terminate thirty days after the convening of the next regular session of the General Assembly of North Carolina, except as to contracts already executed, or unless the Board of Commissioners of Haywood County and the Trustees of Canton Graded School District have the building under construction without contract.

Application of Act.

SEC. 6. The provisions of this Act shall apply only to Haywood County.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 5th day of April, 1947.

S. B. 395 **CHAPTER 1097**

AN ACT RELATING TO THE STATE ART SOCIETY AND TO MAKE APPROPRIATIONS THERETO FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 140 of the General Statutes of North Carolina is hereby amended by adding a new Article, to follow Article 1, and to be designated as Article 1A, as follows: G. S., Ch. 140, amended.

ART. 1A. Acquisition and Preservation of Works of Art. Acquisition and preservation of works of art.

SEC. 140-5.1. Purpose of Article. The North Carolina State Art Society is authorized and empowered to inspect, appraise, obtain attributions and evaluations, to purchase, acquire, transport, exhibit, loan and store, and to receive on consignment or as loans, statuary, paintings and other works of art of any and every kind and description which are worthy of acquisition and preservation, and to do all other things incidental to and necessary to effectuate the purposes of this Article. Powers of N. C. State Art Society.

SEC. 140-5.2. Preservation of Works of Art. The North Carolina State Art Society shall be responsible for the care, custody, storage and preservation of all works of art acquired by it, or received by consignment or loan. Preservation of works of art.

SEC. 140-5.3. Right to Receive Gifts. In order to carry out the purposes of this Article, the North Carolina State Art Society is authorized to acquire by gift or will, absolutely or in trust, from individuals, corporations, the Federal Government or from any other source, works of art or money or other property, which might be retained, sold or otherwise used to promote the purposes of the North Carolina State Art Society; *provided* that works of art acquired by the Society under the provision of this Section may not be pledged, mortgaged or sold; and *provided, further,* that any gifts, donations, devises, bequests, or legacies of property, other than works of art, money and bonds may be disposed of only with the approval of the Governor and Council of State. The proceeds of the sale of any property acquired under the provisions of this Section shall be deposited in the State Treasury to the account of the State Art Society Special Fund. Power of State Art Society to receive gifts, bequests, etc.

SEC. 140-5.4. Special Fund. Gifts of money to the North Carolina State Art Society, when made for the purposes of this Article, shall be paid in to the State Treasury and maintained as a fund to be designated; State Art Society Special Fund. All gifts made to the North Carolina State Art Society shall be exempt from every form of taxation including, but not by way State Art Society Special Fund.

of limitation, ad valorem, intangible, gift, inheritance and income taxation.

Contingent appropriation to State Art Society Special Fund.

SEC. 140-5.5. Appropriation Contingent on Gifts. There is hereby appropriated out of any unappropriated General Fund surplus that may exist at June 30, 1947, the sum of one million dollars ($1,000,000.00) which appropriation shall not be made available for expenditure until funds are available to meet all appropriations made for the biennium 1947-49 and until the sum of one million dollars ($1,000,000.00) shall have been secured through gifts and paid into the State Treasury to the credit of the special fund "State Art Society Special Fund". The appropriations contained herein and the receipts collected under the provisions of this Act shall be subject to the provisions of the Executive Budget Act.

Expenditure of funds.

SEC. 140-5.6. Expenditure of Funds. After the conditions set forth in Section 140-5.5 shall have been complied with, the sum of one million dollars ($1,000,000.00) appropriated in Section 140-5.5 and the sum of one million dollars ($1,000,000.00) in gifts paid in to the State Treasury for the State Art Society Special Fund, referred to in Section 140-5.5, may be expended for the purposes set out in Sections 140-5.1, and 140-5.2 and for all necessary expenses incidental thereto, including actual necessary expenses and subsistence as may be incurred in travel for the purpose of inspecting prospective gifts and purchases, such expenditures to be made only by a Commission of five members to be appointed by the Governor from the membership of the North Carolina State Art Society, which Commission shall be known as the "State Art Commission". The State Treasurer shall, with the approval of the Governor and Council of State, invest any unexpended moneys in the State Art Society Special Fund in securities authorized to be purchased for the Sinking Funds of the State of North Carolina.

Investment of unexpended funds.

Appointment of members of Commission; terms.

Two of the members of said Commission shall be appointed for a term of one year, three members shall be appointed for a term of two years, and thereafter the term for all members of the Commission shall be two years. Any vacancy arising on the Commission shall be filled by appointment by the Governor for the unexpired portion of the term.

Expenses of Commission.

SEC. 140-5.7. Expenses of Commission. The members of the Commission described in Section 140-5.6 shall serve without compensation, but in attending meetings of the Commission the members shall be paid such actual necessary expenses as may be incurred in travel and subsistence while attending such meetings not in excess of that allowed by the biennial appropriation Act.

SEC. 1½. In the event of the erection of a State Art Museum under the provisions of this Act, the same shall be erected in the City of Raleigh. Erection of State Art Museum at Raleigh.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. B. 471 CHAPTER 1098

AN ACT TO FURTHER DEFINE THE POWERS AND AUTHORITY OF THE STATE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 18, Article IV, Section 18-75 of the General Statutes of North Carolina, preceding the last sentence thereof by adding the following: G. S. § 18-75, amended.

No license shall be issued to a pool room or billiard parlor or any person, firm or corporation operating same for the sale of wine as defined in G. S. 18-64, Subsection (b). Issuance of wine license to pool room operators, etc., prohibited.

SEC. 2. Amend Chapter 18, Article VIII of the General Statutes of North Carolina in the following particulars:

(1) Immediately after the caption of Section 18-109, designated "Powers of State Board of Alcoholic Control", strike out all wording preceding Subsection (1) thereof, and insert in lieu thereof the following: G. S. § 18-109, as to powers of State A. B. C. Board, amended.

The State Board of Alcoholic Control shall be referred to herein as "The Board". The Board is authorized and empowered:

(2) By adding a new Subsection to be designated as Subsection (7) at the end of Section 18-109, to read as follows: Section amended further.

The advertisement and sale of wine in this State shall be subject to all existing laws and the following additional authority and powers hereby expressly granted to The Board: Advertisement and sale of wine.

(a) The Board, in its discretion, may approve or disapprove all forms of advertising of wine, including the type and amount of display material which may be used in the place of business of a retail permit holder; Regulation of advertising by A. B. C. Board.

Determination of fitness and qualification of applicant to sell wine at retail.

(b) The Board shall have the sole power, in its discretion, to determine the fitness and qualification of an applicant for a permit to sell wine at retail. The Board shall inquire into the character of the applicant, the location, general appearance and type of place of business of the applicant;

Further powers of Board for regulating sale of wine.

(c) The Board shall have authority, in its discretion, to determine the number of retail permits to be granted in any locality. In addition to the powers herein granted to the State Board of Alcoholic Control, said board is authorized and empowered to adopt rules and regulations regulating and fixing the hours of sale in the several counties and municipalities therein in which wine is authorized to be sold. The Board shall not issue a permit hereunder for the sale of wine in any pool room or billard parlor or in any other place of business, of whatsoever kind and character, if in the discretion of the Board, it is not a proper place for the sale of wine;

Regulation of place of business for sale of wine.

(d) The Board shall require that all retail permit holders keep their places of business clean, well lighted and in an orderly manner;

Applicants for wine permit required to make application to county and municipal authority.

Notice of intention to engage in sale of wine.

(e) Every person intending to apply for any permit to sell wine at retail hereunder shall, not more than thirty (30) days and not less than ten (10) days before applying to The Board for such permit, make application to the county and municipal authority, as provided for in Chapter 18, Article IV, of the General Statutes of North Carolina, and shall post a notice of such intention on the front door of the buliding, place or room where he proposes to engage in such business, or publish such notice at least once in a newspaper published in or having a general circulation in the county, city or town wherein such person proposes to engage in such business;

Application filed with Board.

(f) Every person desiring a permit under the provisions of this Act shall, after publishing notice of his intention as provided in Subsection (e) above, file with The Board an application therefor on forms provided by The Board and a statement in writing and under oath setting forth such information as The Board shall require;

Objections to issuance of permit.

Hearing.

(g) Any objections to the issuance of the permit to an applicant shall be filed in writing with The Board and The Board shall not refuse to grant any such permit except upon a hearing held after ten (10) days notice to the applicant of the time and place of such hearing, which notice shall contain a statement of the objections to granting such permit and shall be served on the applicant by sending same to the applicant by registered mail to his last known post office address. The ap-

plicant shall have the right to produce evidence in his behalf at the hearing and be represented in person or by council;

Effect of Act on present license holders.

(h) All persons holding a license to sell wine at retail at the time of the enactment of this law shall be deemed to have complied with all requirements of The Board in filing application for a permit to sell wine at retail, except operators of pool rooms and billiard parlors, but shall be subject to the action of The Board in suspension or revocation of licenses, as provided for herein. All permits shall be for a period of one year unless sooner revoked or suspended and shall be renewable May first of each calendar year;

Revocation or suspension of licenses.

Certification of names of permit holders to Revenue Department.

(i) The Board shall certify to the Department of Revenue the names and addresses of all persons to whom The Board has issued permits and no license issued to an applicant shall be valid until the applicant has obtained the permit, as provided by this Act.

Suspension or revocation of permits.

(j) The Board may suspend or revoke any permit issued by it if in the discretion of The Board it is of the opinion that the permittee is not a suitable person to hold such permit or that the place occupied by the permittee is not a suitable place, or that the number of permits issued should be reduced;

Notice of proposed action to permittee.

(k) Before The Board may suspend or revoke any permit issued under the provisions of this Act, at least ten (10) days notice of such proposed or contemplated action by The Board shall be given to the affected permittee. Such notice shall be in writing, shall contain a statement in detail of the grounds or reasons for such proposed or contemplated action of The Board, and shall be served on the permittee by sending the same to such permittee by registered mail to his last known post office address. The Board shall in such notice appoint a time and place when and at which the said permittee shall be heard as to why the said permit shall not be suspended or revoked. The permittee shall at such time and place have the right to produce evidence in his behalf and to be represented by council.

Hearing.

Action of Board not subject to review.

(l) The action of The Board in refusing to issue a permit or in suspending or revoking same pursuant to the provisions of this Act shall not be subject to review by any court nor shall any mandamus lie in such case;

Time allowed for disposal of stock.

(m) In case where The Board suspends or revokes a permit, The Board shall grant the permittee a reasonable length of time in which to dispose of his stock.

Construction of Act.

SEC. 3. This Act shall not repeal any special, Public-Local or Private Act prohibiting the sale of wine in any county in

this State, or any Act authorizing the board of commissioners of any county of this State, or the governing board of any municipality, in its discretion, to prohibit the sale of wine; and shall not repeal any Act prohibiting the sale of wine by vote of the people of any county or municipality and any county or municipality in which wine is permitted to be sold hereafter under the provisions of committee substitute for House Bill No. 1051 of the 1947 Session of the General Assembly.

Issuance of licenses; granting of permits.

All licenses shall be issued under the provisions of Article IV of Chapter 18 of the General Statutes. The granting of a permit hereunder to sell wine shall be required in addition to the requirements of Article IV of Chapter 18 of the General Statutes as to securing a license to sell wine at retail.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after April 30th, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

RESOLUTIONS

S. R. 3 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the Senate, the House of Representatives concurring:

Committee to notify Governor of organization of General Assembly.

SECTION 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to address a joint session of the General Assembly to be held in the House of Representatives Thursday, January 9th, 1947, at twelve o'clock noon, and at any other time he desires either in person or in writing.

Invitation to Governor to address joint session.

SEC. 2. That this Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of January, 1947.

S. R. 1 RESOLUTION 2

A JOINT RESOLUTION CONCERNING THE DEATH AND PUBLIC SERVICES OF THE HONORABLE WALTER "PETE" MURPHY AND THE HONORABLE HENRY G. "TOBE" CONNOR, JR., BOTH DISTINGUISHED MEN HAVING LONG SERVED AS MEMBERS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Preamble: Death of distinguished North Carolinians.

WHEREAS, since the adjournment of the 1945 Session of the General Assembly of North Carolina, two distinguished sons of North Carolina, Walter "Pete" Murphy and Henry G. "Tobe" Connor, Jr., have died and it is fitting and proper that the 1947 Session of the General Assembly and the colleagues of these distinguished men and former legislators should preserve some record of their services to the people of the State and should

Desire to preserve record of their services.

commemorate in the records of the General Assembly in which they served some remembrance and recognition of their useful careers; and

Record of Honorable Walter Murphy.

WHEREAS, the Honorable Walter Murphy, affectionately known as "Pete" Murphy, was born in Salisbury, October, 1872, and was educated at the University of North Carolina, having chosen the profession of law; he was trustee of the University since the year of 1903, trustee of the North Carolina Sanitorium for the Treatment of Tuberculosis for the period of 1907-1914; he was a member of the General Assembly for the years of 1897, 1901, 1903, 1905, 1907, 1913, 1915, 1921, 1923, 1925, 1927, 1933, 1937 and 1939; he was Speaker of the House of Representatives at the extra session of 1914 and of the regular session of 1917; he served as reading clerk to the Senate, elector at large for the year of 1908, secretary to and assistant of the United States Commissioner of Internal Revenue, special representative for the Federal Deposit Insurance Commission for the Southern States; he was liaison officer and parliamentarian between the House and Senate; he was a member of many worthy fraternal orders; he was a smooth speaker and clever debator; and above all, deeply conscious of the high standards of representative government; and

Record of Honorable Henry G. Connor, Jr.

WHEREAS, the Honorable Henry G. Connor, Jr., affectionately known as "Tobe" Connor, was born at Wilson, July 19, 1876; he was educated at Wilson graded schools and private schools, graduating from the University of North Carolina in 1897; he was a lawyer by profession; he was chairman of his party's county executive committee; he was a delegate to the National Democratic Convention in 1916 and in 1924; he was a member of the Senate in the General Assembly in 1919; he served in the House of Representatives for the Sessions of 1921, 1923, 1925, 1927 and 1931; he was a man of statewide views who did not know county lines in his legislation; he constantly held to the viewpoint that the best legislative policy was one for the good of the State as a whole; he ably assisted in the legislative program of 1931 when the State of North Carolina took over the county road system and assumed responsibility therefor:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Recognition of loss to State in deaths of Hon. Walter Murphy and Hon. Henry G. Connor, Jr.

SECTION 1. That in the death of the Honorable Walter "Pete" Murphy and Honorable Henry G. "Tobe" Connor, Jr., the State of North Carolina and the General Assembly of North Carolina recognize the great and irreparable loss of two distinguished sons and citizens of this State whose faithful, patrio-

tic and eminent public services have contributed greatly to the advancement of North Carolina and to the confidence of the people in the functioning of representative government.

Sympathy extended to families.

SEC. 2. That as a token of respect and of high esteem to the honored and beloved memory of these distinguished sons of North Carolina and former members of the General Assembly, the General Assembly of the Session of 1947 does hereby extend its deepest and most sincere sympathy to the members of the family of these deceased former legislators; that this resolution be incorporated in the permanent records of this General Assembly as a tribute to and a token of respect to the memory of these men, and that a copy of this resolution be furnished to members of the immediate family of each of the deceased.

SEC. 3. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of January, 1947.

S. R. 18 RESOLUTION 3

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF DELEGATES TO THE EIGHTH GENERAL ASSEMBLY, WHICH CONVENES AT CHICAGO, ILLINOIS, ON JANUARY 16TH, 1947.

Preamble:

Convening of Eighth General Assembly for consideration of interstate problems.

WHEREAS, the Eighth General Assembly will be held at the Edgewater Beach Hotel, Chicago, Illinois, Thursday, Friday and Saturday, January 16th, 17th, 18th, 1947, to deliberate upon important interstate problems requiring cooperative action by the states with each other, and with the Federal Government; and

Opportunity to consider matters of cooperative action.

WHEREAS, the Eighth General Assembly offers an opportunity for the consideration by the delegates of all matters requiring cooperative action; and

Benefits from sending representatives from N. C.

WHEREAS, it is believed that substantial benefits would result from this State's representation at the Eighth General Assembly, and that such Assembly offers a means of surmounting obvious difficulties arising in governmental activities due to the absence of facilities for conferences between governmental units; and

Invitation to send delegates.

WHEREAS, the Senate and the House of Representatives of this State are invited to send delegates to this Assembly, to be chosen as this Body may determine, which delegation shall be entitled to one (1) vote;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Appointment of delegates to Eighth General Assembly, authorized.

SECTION 1. That the President of the Senate and the Speaker of the House of Representatives of the State of North Carolina are hereby authorized and instructed to appoint three (3) Senators and five (5) Representatives as a delegation to the Eighth General Assembly, which convenes in Chicago, Illinois, on January 16th, 1947. Such delegation shall be and is hereby instructed to return to this Body and report the definite recommendations of the Eighth General Assembly.

Report by delegation.

Delegation entitled to reimbursement for expenses.

SEC. 2. *Provided further*, that the said delegation be entitled to reimbursement for its reasonable expenses out of the appropriation for legislative expense, upon presentation to State Authorities of the proper statement of such expenses.

Notice to Council of State Governments.

SEC. 3. *Provided further*, that the Clerk of the Senate and the Clerk of the House immediately notify the Council of State Governments, 1313 East 60th Street, Chicago, Illinois, of the appointment of such delegation.

SEC. 4. That this Resolution shall be in force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 17th day of January, 1947.

S. R. 16 RESOLUTION 4

JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S ADDRESS AND BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Provision for printing and distribution of Governor's Address and Budget Message.

SECTION 1. That two thousand (2,000) copies of the Address and Budget Message of His Excellency, R. Gregg Cherry, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of January, 1947.

H. R. 1 **RESOLUTION 5**

A JOINT RESOLUTION MEMORIALIZING OUR LATE UNITED STATES SENATOR JOSIAH WILLIAM BAILEY AND EXPRESSING CONFIDENCE IN OUR NEWLY CHOSEN UNITED STATES SENATOR WILLIAM B. UMSTEAD.

Be it resolved by the House of Representatives, the Senate concurring, for and in behalf of the people of the State of North Carolina:

SECTION 1. That Sunday, January 12th, 1947, shall be set apart as a day of mourning for our late distinguished United States Senator and able Statesman, Josiah William Bailey.

Day set apart as day of mourning for late Senator J. W. Bailey.

SEC. 2. That we hereby express confidence in the ability and statesmanship of our newly chosen United States Senator William B. Umstead.

Expression of confidence in new Senator Wm. B. Umstead.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of January, 1947.

H. R. 46 **RESOLUTION 6**

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND HONORING THE MEMORY OF THE HONORABLE JOSEPH W. ERVIN OF MECKLENBURG COUNTY.

Preamble:

WHEREAS, Honorable Joseph W. Ervin of Mecklenburg County, North Carolina, died on the 25th day of December, 1945; and

Death of Hon. Joseph W. Ervin.

WHEREAS, Joseph W. Ervin, throughout his useful life served his native State and local community with honor, distinction and credit; and

Useful life.

Public service.

WHEREAS, during the course of his public service he served as Solicitor of the Charlotte City Recorder's Court, as Attorney for Mecklenburg County, and as Representative in the National Congress from the Tenth Congressional District; and

Distinguished citizen held in highest esteem.

WHEREAS, this distinguished citizen of North Carolina was an outstanding and successful lawyer of this State, and in this capacity, as well as all others, was held in the highest esteem by all with whom he came in contact; and

Desire of members of General Assembly to express sympathy.

WHEREAS, the Members of the General Assembly of North Carolina wish to express their heartfelt sympathy to the family of this distinguished citizen of North Carolina and to express its sorrow at his passing:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Great loss to State in death of Hon. Joseph W. Ervin.

SECTION 1. That in the death of the Honorable Joseph W. Ervin, not only the General Assembly of this State but the State of North Carolina as a whole have experienced a great loss and are now overwhelmed in sorrow at the termination of the life of this distinguished North Carolinian.

Expression of appreciation for useful service; sympathy to family.

SEC. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and useful public servant, and expresses its sympathy to his family upon his passing.

Copy of resolution to be furnished family.

SEC. 3. It is further resolved that a copy of this Resolution be furnished to his family.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1947.

S. R. 35 RESOLUTION 7

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE LIFE AND CHARACTER OF WILLIAM THOMAS CULPEPPER, AND A SENSE OF LOSS AT HIS DEATH.

Preamble:

Distinguished service by late William Thomas Culpepper.

WHEREAS, the life of the late William Thomas Culpepper, a former member of this General Assembly from Pasquotank County, was distinguished not only by outstanding service to his State and community, but also by personal characteristics of loyalty and friendship; and

WHEREAS, his death not only deprived the State and his community of a valued citizen, but also carried with it a sense of deep personal loss to many of his former associates in the General Assembly of North Carolina:

Great loss by State in death of W. T. Culpepper.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Members of the General Assembly of North Carolina, Session of 1947, take this method of expressing their deep and abiding appreciation of the public service rendered by William Thomas Culpepper, both to the State and to the community in which he lived, by his unfailing contribution of time, effort and substance to all worthy and forward-looking civic activities; and in addition to this formal evidence of appreciation of him as a public-spirited citizen, his former associates desire to express their keen sense of personal loss at his pasing.

Expression of appreciation for public service.

Recognition of loss upon his death.

SEC. 2. That a copy of this Resolution, duly subscribed, be presented to Mrs. Alice Culpepper, and that a copy also be spread upon the Journals of both the Senate and the House of Representatives.

Copy of resolution to be sent to family.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three time and ratified, this the 24th day of January, 1947.

H. R. 75 RESOLUTION 8

A JOINT RESOLUTION MEMORIALIZING THE NORTH CAROLINA DELEGATION IN THE CONGRESS OF THE UNITED STATES TO LEND THEIR IMMEDIATE ASSISTANCE IN OBTAINING TOBACCO FLUE SHEETS FOR THE TOBACCO GROWERS OF NORTH CAROLINA.

Preamble:

WHEREAS, it is absolutely essential and necessary that the tobacco farmers of North Carolina secure flue sheets in order to cure tobacco properly; and

Necessity for flue sheets to cure tobacco.

WHEREAS, a number of distributors and jobbers have stated that it will be impossible to supply flue sheets because steel has not been made available for their manufacture; and

Statements as to impossibility to supply flue sheets.

WHEREAS, the Civilian Production Administration has notified a number of wholesale dealers and manufacturing agencies that no directives will be issued to make steel available and insure the production of tobacco flue sheets; and

Notice by C. P. A., no directives to be issued to make steel available for flue sheets.

WHEREAS, there is no substitute for steel suitable for the manufacture of tobacco flues which is available; and

Necessity for immediate action to secure manufacture of flue sheets.

WHEREAS, the tobacco growers of North Carolina will suffer great and irreparable losses if immediate action is not taken to secure the manufacture of tobacco flue sheets:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

N. C. Congressional delegation urged to use efforts towards making steel available for tobacco flue sheets.

SECTION 1. That the General Assembly of North Carolina urgently requests the Members of the Senate and the House of Representatives from North Carolina to use their immediate concerted efforts to obtain from the Civilian Production Administration, or from any other appropriate Federal Agency, the issuance of directives to make steel available for, and to insure the manufacture of, tobacco flue sheets, and to do any and all other things which, to the Congressional Delegation, may seem wise in order to prevent the great financial loss that will result to the tobacco growers of North Carolina if means are not found to insure the manufacture of tobacco flue sheets.

Copy of resolution to Senators and Representatives.

SEC. 2. That a duly certified copy of this Resolution be sent immediately to each Senator and each Member of the House of Representatives in Congress from North Carolina.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of January, 1947.

S. R. 88 RESOLUTION 9

A JOINT RESOLUTION MEMORIALIZING CONGRESS IN THE INTEREST OF SECURING AN ADEQUATE SUPPLY OF NITROGEN FOR THE FARMERS OF NORTH CAROLINA.

Preamble:

Acute shortage of commercial nitrogen for fertilizer use.

WHEREAS, there exists in North Carolina at this time an extremely acute shortage of commercial nitrogen for use as fertilizer for top dressing small grain crops; and

Facts concerning grain acreage in N. C.

WHEREAS, North Carolina's small grain acreage for the crop year 1946 was in excess of 1,098,000 acres, and the prospective acreage for the current year is 1,108,000 acres; and

Livestock industry dependent on grain production.

WHEREAS, our State is very largely dependent upon its own small grain production, being particularly deficient in grain feed for its livestock industry; and

WHEREAS, our small grain production is in turn very largely dependent upon a reasonably adequate supply of agricultural nitrogen, the type of our soil in most sections being of such a nature as to make the raising of small grains practically impossible without nitrogen top dressing; and

Grain production dependent on agricultural nitrogen.

WHEREAS, on the basis of the prospective acreage for the current year, North Carolina's estimated minimum requirement is 75,000 tons of nitrogen soda while the present indications are that barely 25,000 tons will be available unless some drastic relief is afforded; and

Minimum nitrogen requirements.

Prospective supply.

WHEREAS, it appears that in this crisis the State Department of Agriculture, the local and county agricultural agencies, the fertilizer manufacturers and dealers, and the farmers themselves are powerless to make available an adequate supply of commercial nitrogen, due to a shortage of ships for the importing of foreign nitrogen, the shortage of railway cars or other means of transportation for the distribution of domestic nitrogen, the disruption of shipping and transportation due to the coal strike, the diversion of nitrogen for export, and other contributing causes beyond local control; and

Existence of crisis; State and local agencies powerless to make available adequate supply.

WHEREAS, it is extremely important to the well being of the State that relief be forthcoming in time to prevent the loss or serious depreciation of our small grain crop for the current year:

Importance of obtaining relief.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The General Assembly of North Carolina respectfully requests the Senators and Representatives from North Carolina now serving in the Congress of the United States:

Action by N. C. congressional delegation, requested, to make available adequate supply of nitrogen.

(1) To devote their influence, energies, talents and resources in every proper and expedient way in an immediate effort to make available to the farmers of this State a reasonably adequate supply of commercial nitrogen suitable for top dressing of small grain crops in a minimum amount of at least 75,000 tons;

(2) To take all possible steps to the end that this allocation and delivery of commercial nitrogen be undertaken and completed within the next thirty or forty days, or as promptly as practicable, in order that the current small grain crop may be saved;

(3) To consider and urge upon the Congress and upon any other proper agencies the possibility of (a) expediting shipments of foreign nitrogen, (b) increasing the allocation of avail-

able nitrogen to this section, and (c) controlling and if necessary curtailing the export of nitrogen until this acute shortage is relieved.

Support of suitable legislation urged.

SEC. 2. The General Assembly of North Carolina further urges the North Carolina delegation in Congress to inaugurate or actively support such legislation as may be designed and calculated to relieve the present shortage of fertilizer material and to prevent its recurrence.

Copies of resolution to Senators and Representatives.

SEC. 3. The Secretary of State of North Carolina is respectfully requested to transmit duly authenticated copies of this Resolution with expressions of respect to the Senators and Representatives who compose North Carolina's Congressional delegation.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of February, 1947.

S. R. 97 RESOLUTION 10

A JOINT RESOLUTION IN RECOGNITION OF THE UNEXPECTED DEATH OF THE HONORABLE O. MAX GARDNER, FORMER GOVERNOR OF NORTH CAROLINA AND AMBASSADOR TO THE COURT OF SAINT JAMES.

Preamble:

State and Nation grieved at death of Hon. O. Max Gardner.

WHEREAS, the State and Nation are shocked and grieved at the unexpected announcement of the death of The Honorable O. Max Gardner on the eve of his sailing for England to asume his duties as Ambassador to the Court of Saint James; and

Distinguished service.

WHEREAS, The Honorable O. Max Gardner, as Lieutenant Governor and as Governor of the State of North Carolina, had served his native State with great honor and distinction; and

People of State saddened by death.

WHEREAS, his untimely passing is a source of sadness to all of the people of this State:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Appointment of committee to represent General Assembly at funeral of Hon. O. Max Gardner.

SECTION 1. That the President of the Senate shall appoint a committee consisting of ten Senators, and the Speaker of the House of Representatives shall appoint a committee consisting

of twenty members of the House of Representatives, to attend and officially represent the General Assembly of North Carolina at the funeral rites for The Honorable O. Max Gardner.

Adjournment in honor and memory of Hon. O. Max Gardner.

SEC. 2. That when the Senate and the House of Representatives shall adjourn on this the 6th day of February, 1947, they shall adjourn in honor and memory of North Carolina's most distinguished and beloved son, The Honorable O. Max Gardner.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1947.

S. R. 110 **RESOLUTION 11**

A JOINT RESOLUTION IN HONOR OF THE MEMORY OF GEORGE ROSS POU, STATE AUDITOR.

Preamble:

Death of George Ross Pou.

WHEREAS, George Ross Pou, State Auditor, has been suddely taken from our midst by his unexpected and untimely death; and

Sorrow brought to numerous friends and associates.

WHEREAS, the death of George Ross Pou has brought sorrow to his numerous friends and associates in the State Government and in the General Assembly; and

Great loss to State in death of George Ross Pou.

WHEREAS, in the death of George Ross Pou the State has lost an able, courageous and efficient public servant who had been elected as State Auditor by the people of the State in 1936, re-elected in 1940, and at the time of his passing was serving his third term in this important office; and

Service to people of State, as State Auditor.

WHEREAS, as State Auditor he had rendered capable and conscientious service, to the satisfaction of the people of the State; and

Service as Executive Director of State Highway and Public Works Commission.

WHEREAS, prior to his service as State Auditor he had ably and conscientiously served the State of North Carolina as Executive Director of the State Highway and Public Works Commission and for many years, beginning in 1921, he had acted as the Superintendent of the State's Prison; and

Deceased held in high esteem by associates and others.

WHEREAS, during his terms of office as an official of the State, he had endeared himself to his associates and county and local officials with whom he had come in contact, especially the police and law enforcement officers of the State who had had so much direct contact with his office; and

Interest of George Ross Pou in police officers of State.

WHEREAS, on account of his interest in the police officers of the State, he had been chiefly responsible for the creation of the Law Enforcement Officers' Benefit and Retirement Fund, which is serving to alleviate the losses of the families of police officers killed in line of duty and providing retirement benefits in cases of old age; and

Personal loss by members of General Assembly in death of George Ross Pou.

WHEREAS, the Members of the General Assembly in their intimate and frequent contacts with George Ross Pou had formed for him the strongest feelings of affection and admiration and in his death have a sense of deep personal loss; and

WHEREAS, God in His infinite wisdom has taken him from our midst, to which we bow in humble submission:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Great loss by State in death of George Ross Pou.

SECTION 1. That in the passing of George Ross Pou, State Auditor since 1936, the State of North Carolina has lost an able and conscientious public servant who had faithfully and fully discharged the duties of his office during his several terms.

Appointment of committee to represent General Assembly at funeral.

SEC. 2. That the President of the Senate shall appoint five members of the Senate, and the Speaker of the House of Representatives shall appoint ten members of the House, to attend the funeral rites of George Ross Pou, to be held in Smithfield on Tuesday, February 11th, as official representatives of the General Assembly.

Sympathy extended to family.

SEC. 3. That the widow and family of George Ross Pou be extended the deepest, heartfelt sympathy of every Member of the General Assembly in this hour of their great sorrow.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of February, 1947.

S. R. 150 RESOLUTION 12

A JOINT RESOLUTION EXTENDING WELCOME TO THE NATIONAL CONVENTION OF WORLD GOVERNMENT ORGANIZATIONS MEETING IN THE CITY OF ASHEVILLE ON FEBRUARY 21ST TO 23RD, 1947.

Preamble:

Asheville host to delegates at National Convention of World Government Organizations.

WHEREAS, on the 21st to 23rd of February, 1947, the City of Asheville and the State of North Carolina will be hosts to some five hundred delegates and distinguished guests from all

parts of the United States attending the first National Convention of World Government Organizations; and

Purpose of convention.

WHEREAS, this convention is called for the purpose of developing a unified national program of education and action for world peace under world law by strengthening the United Nations, through charter amendments as provided for in Article 109, to include the necessary governmental powers to make world laws against aggression or the preparation for aggression and to enforce those laws against any individual or any nation who threatens the peace of the world; and

N. C. General Assembly first among states to call for Federal World Government.

WHEREAS, before the formation of the present United Nations the General Assembly of North Carolina in 1941 adopted Resolution Number 24, placing North Carolina first among the States to call for the establishment of a Federal World Government as the only method of effectively outlawing war;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Welcome extended to World Government Convention at Asheville.

SECTION 1. That the General Assembly do go on record as extending to the World Government Convention at Asheville, in the name of the people of North Carolina, a cordial welcome and wish for its success in its work in the cause of world peace.

SEC. 2. That this Resolution be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 19th day of February, 1947.

H. R. 240 RESOLUTION 13

A JOINT RESOLUTION MEMORIALIZING THE NORTH CAROLINA MEMBERS OF CONGRESS TO SUPPORT A PROGRAM PROVIDING FEDERAL FUNDS FOR EQUALIZING EDUCATIONAL OPPORTUNITIES IN THE PUBLIC SCHOOLS OF THE NATION, WITHOUT FEDERAL CONTROL.

Preamble:

Differences in ability of States to finance educational program.

WHEREAS, there are wide differences in the ability of the states to finance an adequate educational program because of a lack of funds as indicated by wide differences in per capita wealth and income between the several states; and

Equality of educational opportunity demanded.

WHEREAS, the public welfare of the nation demands that there be equality of educational opportunity among the sovereign states; and

Ability of Federal Government to equalize financial abilities of States for education programs.

WHEREAS, the Federal Government only through its power of taxation can equalize the abilities of the states to finance their programs of education and to provide within the states the equality of educational opportunity which the national welfare demands without Federal control:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

N. C. delegation in Congress requested to support legislation for Federal financial aid to States for education.

SECTION 1. That the North Carolina Members in Congress be, and they hereby are, requested to lend support to legislation which would give the several states the money necessary to equalize eucational opportunities up to a desirable standard without Federal control, by which the Federal Government can make possible a guarantee of financial support which will help to meet the educational crisis in the several states and provide a minimum educational opportunity for all its citizens, regardless of the local limitations of wealth.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1947.

H. R. 580 RESOLUTION 14

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND APPRECIATION OF THE LIFE AND SERVICE OF DOCTOR W. A. ROGERS, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Preamble:

Desire to express sorrow upon death of Dr. W. A. Rogers.

WHEREAS, the General Assembly of North Carolina, Session of 1947, desires to give some recognition of the passing of one of its former members, Doctor W. A. Rogers, who died at Franklin, North Carolina, Macon County, on April 27th, 1946; and the General Assembly desires to give a proper expression of sorrow in the loss sustained by Macon County and the State; and

Biographical facts concerning late Dr. W. A. Rogers.

WHEREAS, Doctor W. A. Rogers, son of Clarke Thornton Rogers and Margaret Reid Rogers, was born near Franklin on May 3rd, 1872; he attended the Public Schools of Macon County and was a student at the University of North Carolina; he graduated from the Medical School of the University of Tennessee and returned to Franklin in 1899 and began the active practice of medicine which extended over a period of forty-seven years; he was Chairman of the Democratic Executive

Committee of his county for thirty years; he served as coroner, member of the board of aldermen of his town, county physician and physician for the State Prison Camp; he served on the Board of Trustees of the State School for the Blind and the Deaf; he was President of the Bank of Franklin for many years and the head of the Western Carolina Telephone Company; he was a member of the Methodist Church, serving on the Board of Stewards, past Master of his local Masonic Order, Shriner, Royal Arch Mason, member of the Cullasaja Council of the Junior Order and was a member of the Macon County and the North Carolina Medical Societies; and

WHEREAS, Doctor Rogers was known by nearly every man, woman and child in his county, unaffected and plain in his life and manner and was one of the "horse and buggy" doctors who visited every community in his county and answered the call of sick people at any hour of the day or night; he was a Member of the House of Representatives in the Sessions of 1905, 1921 and 1943:

Humanitarian service as physician.

Former member of N. C. House of Representatives.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Members of the General Assembly of North Carolina, Session of 1947, unite in expressing their appreciation for the valuable life and the great contributions made by this former member to his community and State; that his county and State are fortunate because of his unselfish life and humane services; his community has been enriched by the noble example of a sympathetic physician and a life based upon kindness and love of his fellowman:

Expression of appreciation for valuable service of Dr. W. A. Rogers.

Resolved further, that these Resolutions be spread upon the Journal of the House of Representatives and the Journal of the Senate as a permanent testimonal of the respect of both Legislative Branches of the General Assembly and that a copy of this Resolution be sent to the family of Doctor W. A. Rogers.

Resolution to be spread on Journals.

Copy of resolution to family.

SEC. 2. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1947.

H. R. 515 **RESOLUTION 15**

JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA FOR THE PURPOSE OF MAKING A STUDY AND SUBMITTING RECOMMENDATIONS TO THE 1949 SESSION OF THE GENERAL ASSEMBLY CONCERNING LAWS AND REGULATIONS AFFECTING THE PRODUCTION, PROCESSING AND DISTRIBUTION OF MILK IN THE STATE OF NORTH CAROLINA.

Preamble:

State's progress in production of milk.

WHEREAS, North Carolina has made great progress in recent years in the production of milk, to the extent that the same has become an important part of the agricultural program of the State; and

Increased production of milk, in public interest.

WHEREAS, it is to the interest of the State that milk production be further increased as a means of adding to the income of the farmers of the State, and at the same time encouraging a larger consumption of milk in the State; and

Production and distribution of milk in manner to safeguard health, important.

WHEREAS, it is of the greatest importance that the present production and increased production of milk, as well as the distribution thereof, be handled in such manner as to safeguard the health of the people of the State; and

Need for study of laws relating to milk production, processing, etc.

WHEREAS, under the existing laws there is some confusion and possibly some duplication or overlapping of authority in respect to the various aspects of milk production and the processing and distribution thereof and it is desirable that the laws affecting same be carefully studied to the end that a suitable and comprehensive law may be enacted dealing with all aspects of such industry; and

Division of responsibilities of various agencies, under present laws.

WHEREAS, at the present a part of the responsibility rests upon the various county boards of health under the advisory supervision of the State Board of Health; and the responsibility for inspecting, processing, and handling of milk as a food product and the enforcement of laws with respect thereto and the prosecution for violation thereof is vested by law in the State Department of Agriculture; and

Need for unifying and strengthening of milk laws.

WHEREAS, it is desirable and in the public interest that a careful study be made with a view of unifying and strengthening the laws with respect to all such matters and that an adequate study be made before any proposals with respect to legislation shall be considered:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Appointment of special commission to study laws relating to production, processing, etc., of milk.

SECTION. 1. That the Governor of North Carolina be and he is hereby authorized, empowered and requested to appoint a special commission of seventeen citizens of the State of North Carolina, as hereinafter classified, for the purpose of studying the existing laws of the State of North Carolina relating to the production, processing, handling and distribution of milk and other dairy products and inquiring into the regulations in the various counties of the State and likewise studying the nature and application of laws and regulations in other jurisdictions, and likewise studying the possibilities of further and larger production of milk in the State of North Carolina, with added safeguards for the protection of the public; and that such commission so appointed by the Governor shall be known and designated as North Carolina Milk Commission; that the commission so appointed by the Governor in pursuance hereof shall have included in its membership the following:

Commission known as "North Carolina Milk Commission."

Members.

The head of the dairy division, State Department of Agriculture;

One farmer actively engaged in the production of milk;

One person actively engaged in the processing and distribution of milk;

One representative from the dairy manufacturing department of State College;

One representative from the dairy production department of State College;

One manufacturer and distributor of ice cream;

One producer and distributor of milk;

One county health officer;

A member of the State Board of Health;

A producer and distributor of raw milk;

One person representing city or county government in North Carolina;

One licensed veterinarian, who is a member of the State Veterinary Association;

The president or some other official representative of the North Carolina Medical Society;

Three representatives from the public at large who are not engaged, directly or indirectly, in producing, processing, or distributing milk or other dairy products;

Chairman of Commission.

That the chairman of the commission shall be designated by theGovernor from among the three representatives from the public at large designated by him.

Term of service.

SEC. 2. The term of service of the commission herein provided shall continue until the next regular Session of the General Assembly of North Carolina; and the Governor is hereby authorized to fill any vacancies which may occur. The commission shall hold its first session in the office of the Governor within sixty days after the ratification of this Resolution.

Vacancies filled.

First meeting.

Recommendations to Governor and General Assembly.

SEC. 3. That the commission upon its findings shall bring recommendations to the Governor and the 1949 General Assembly.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1947.

H. R. 321 RESOLUTION 16

A JOINT RESOLUTION AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO COOPERATE WITH THE UNITED STATES GOVERNMENT, THROUGH ITS WAR DEPARTMENT, IN THE BUGGS ISLAND, ROANOKE RIVER FLOOD CONTROL AND HYDRO-ELECTRIC DEVELOPMENT PROJECT.

Preamble:

Buggs Island project of U. S. Government.

WHEREAS, the United States Government, through its War Department, has entered upon a project at Buggs Island, Roanoke River, for flood control and hydro-electric development by the erection of a series of dams; and

Potentialities of project.

WHEREAS, the proposed project is expected to provide flood control, hydro-electric development and recreational facilities for North Carolina and Virginia; and

North Carolina interest in project; cooperation deemed appropriate.

WHEREAS, the United States Army Engineers are now working on said project in which the State of North Carolina has a tremendous interest and should offer to cooperate with them to the end that the project might be developed in such a

manner as to provide for the needs of the State in the affected area:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

1. That the Department of Conservation and Development be authorized through its Director, governing board, and technically trained personnel to study the full possibilities of the project and its effect upon the State as a whole.

Study of project possibilities by Department of Conservation and Development.

2. That the said Department is authorized to cooperate with the United States Army Engineers and to make known what the Department considers to be necessary for the State to derive the fullest benefits from the completion of the proposed project.

Cooperation with U. S. Army Engineers authorized.

3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three time and ratified, this the 20th day of March, 1947.

H. R. 730 **RESOLUTION 17**

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF GEORGE WILLIAM PHILLIPS, FORMER MEMBER OF THE GENERAL ASSEMBLY FROM ONSLOW COUNTY.

Preamble:

WHEREAS, George William Phillips, former Member of the House of Representatives from Onslow County, and former able and successful lawyer of this State, died February 28th, 1947; and

Death of George William Phillips.

WHEREAS, George William Phillips, during the course of his life rendered valuable service to the people of his native county as well as to the people of the State of North Carolina as a whole in many official capacities; and

Valuable service to people of State.

WHEREAS, the State of North Carolina in his passing has lost one of its loved and most valuable citizens; and

Loss to State in death of G. W. Phillips.

WHEREAS, it is the desire of the General Assembly of North Carolina to express sympathy to his widow and children in their loss and sorrow at his passing:

Desire of General Assembly to express sympathy.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Loss to State in death of George William Phillips.

SECTION 1. That in the death of George William Phillips the State of North Carolina has lost one of its ablest and most beloved citizens.

Expression of sympathy.

SEC. 2. That the deepest sympathy of this General Assembly is extended to his widow and children in their great loss and bereavement.

Copy of resolution to family.

SEC. 3. That a copy of this Resolution be sent to his widow and two children.

SEC. 4. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

H. R. 800 RESOLUTION 18

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND HONORING THE MEMORY OF THE HONORABLE C. EVERETT THOMPSON, JUDGE OF THE SUPERIOR COURT.

Preamble:

Hon. C. Everett Thompson, distinguished member of bar.

WHEREAS, Honorable C. Everett Thompson of Elizabeth City, North Carolina, was for many years a distinguished Member of the North Carolina Bar; and

Distinction as Superior Court Judge.

WHEREAS, Honorable C. Everett Thompson served with great distinction for a decade as a Judge of the Superior Court of this State; and

Held in highest esteem.

WHEREAS, Honorable C. Everett Thompson was held in the highest esteem by the citizens, the Bench and the Bar of this State; and

Tragic death of Judge Thompson.

WHEREAS, his tragic passing on the 16th of March, 1947, has cut short the career of one of North Carolina's greatest jurists; and

Desire of General Assembly to express sympathy.

WHEREAS, the Members of the General Assembly of North Carolina wish to express their heartfelt sympathy to the family of this distinguished citizen of North Carolina and to express their sorrow at his passing:

Now,therefore, be it resolved by the House of Representatives, the Senate concurring:

State-wide sorrow over death of Hon. C. Everett Thompson.

SECTION 1. That in the death of the Honorable C. Everett Thompson, the State of North Carolina has experienced a great loss, and the Members of the General Assembly and the citizens

of this State are overwhelmed in sorrow at the tragic termination of the life of this distinguished lawyer and jurist, and do hereby give recognition to the faithful, honest and unselfish public service which he rendered the State.

Recognition of public service.

SEC. 2. That the General Assembly extends its deepest sympathy to the widow and family of Honorable C. Everett Thompson.

Expression of sympathy.

SEC. 3. That a copy of this Resolution shall be sent to the widow of Honorable C. Everett Thompson.

Copy of resolution to widow.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1947.

S. R. 293 RESOLUTION 19

A JOINT RESOLUTION TO CONTINUE THE COMMISSION AUTHORIZED BY THE GENERAL ASSEMBLY OF 1945 TO STUDY THE LAWS OF THE STATE RELATING TO DOMESTIC RELATIONS FOR FURTHER STUDY OF SUCH LAWS AND FOR STUDY OF ANY OTHER LAWS PERTAINING TO THE WELFARE OF CHILDREN.

Preamble:

WHEREAS, by joint resolution the General Assembly of 1945 created a special commission to study the laws of North Carolina relating to the field of domestic relations and assigning for special attention such laws as related to adoption of minor children, bastardy, divorce and alimony, marriage, married women, guardian and ward, annulment, and juvenile and domestic relations courts; and

Creation by 1945 General Assembly of commission to study domestic relations laws.

WHEREAS, said commission was duly appointed and, for the past two years, engaged in a review of as much of its assigned responsibility as it was possible to cover thoroughly within that time, and on the results of which it has reported with recommendations to the Governor and the General Assembly; and

Work of commission; report to Governor and General Assembly.

WHEREAS, it was the considered opinion of the commission in which this General Assembly concurs that the entire field assigned to the commission should be thoroughly reviewed and

Continuation of work of commission and report to 1949 General Assembly, desirable.

modernized by a similar commission which should report its suggestions to the Governor and to the General Assembly of 1949:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Commission to study domestic relations laws continued for further study.

SECTION 1. That the commission to study the domestic relations laws of North Carolina shall be continued for a period extending to the date on which the General Assembly of 1949 shall convene, and said commission shall have all the rights, duties, privileges, and obligations and shall exist for the same purposes as set forth in Resolution Number 43 in the published volume of Session Laws of 1945 and in addition shall review the statutes relating to the correctional institutions and any other laws pertaining to the welfare of children and develop recommendations thereupon.

Duties.

Members of commission.

SEC. 2. That the commission shall consist of the Attorney General, the Commissioner of Public Welfare, the Commissioner of Corrections, one person to be appointed by the Governor from the Clerks of Superior Courts, one person appointed by the Governor as a representative of the State Bar, and four persons appointed by the Governor with regard to their knowledge and appreciation of the social, economic, and legal problems growing out of the area of responsibility of the commission.

Deemed "commission for special purpose."

SEC. 3. The commission shall be deemed a "commission for special purpose" within the meaning of Article XIV, Section 7, of the North Carolina Constitution.

Service by members, gratis.

Expense allowances.

SEC. 4. Members of the commission shall serve without compensation but shall be allowed necessary maintenance and actual travel expenses to be paid out of the Contingency and Emergency Fund.

Effective date.

SEC. 5. This resolution shall become effective July 1st, 1947.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. R. 1021 **RESOLUTION 20**

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND APPRECIATION OF THE LIFE AND SERVICE OF GEORGE W. CHERRY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Preamble:

Desire to commemorate public service of late George W. Cherry, and express sorrow in his death.

WHEREAS, the General Assembly of North Carolina, Session of 1947, desires to give some recognition of the passing of one of its former members, George W. Cherry, who formerly lived in Hayesville, Clay County, North Carolina, and who died on May 30th, 1946; and the General Assembly of the 1947 Session desires to commemorate his services to his community and State and to give a proper expression of sorrow in the loss sustained by Clay County and the State; and

Biographical facts concerning George W. Cherry.

WHEREAS, George W. Cherry was born in Hayesville in Clay County on April 5th, 1878; he attended Hayesville College in the year of 1885 to 1895; he was former Tax Collector of Clay County, a former Treasurer of Clay County and Chairman of the Board of Elections of Clay County for many years; he was a member of the Masonic Order for forty years; he was a member of the Junior Order for twenty-five years, and a member of the Methodist Church since 1905, having served on the board of stewards of his church for thirty-five years; he was a Member of the House of Representatives during the 1943 Session; and

Esteemed and useful citizen.

WHEREAS, George W. Cherry was known, loved and respected by the people and citizens of his county, and was sincere and unaffected in his life and honest and upright in all of the affairs of life; he served his county, community and church to the best of his ability and was a valuable and useful man and citizen:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Recognition of valuable life and services of late George W. Cherry.

SECTION 1. That the Members of the General Assembly of North Carolina, Session of 1947, unite in expressing their appreciation for the valuable life and services contributed by this citizen of North Carolina to his community and State and as a former Member of the General Assembly. That the General Assembly expresses its sorrow at its loss and its grateful thanks that he was privileged to live, serve his community and as a Member of this Body.

Expression of sympathy.

Resolutions ordered spread on Journals.

Resolved further, that these resolutions be spread upon the Journal of the House of Representatives and the Journal of the Senate as a permanent testimonial of the respect of both legisla-

Copy to family.

tive branches of the General Assembly and that a copy of this resolution be sent to the family of George W. Cherry.

SEC. 2. That this resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. R. 979 **RESOLUTION 21**

A JOINT RESOLUTION REQUESTING AN ADVISORY OPINION OF THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF NORTH CAROLINA UPON HOUSE BILL NO. 276.

Preamble:

H. B. 276, providing for certain allowances to members of General Assembly, pending on House calendar.

WHEREAS, House Bill No. 276, providing that each member of the General Assembly shall be entitled to the same subsistence and same allowance for transportation as provided by law for State officials and employees, has been reported favorably by the Committee on Appropriations and is now pending on the Calendar of the House of Representatives; and

Favorable vote on bill foreseen, unless bill is unconstitutional.

WHEREAS, it now appears that a majority of the House of Representatives and of the Senate favor and will vote for the passage of said bill or similar bill unless advised by the Chief Justice and Associate Justices of the Supreme Court, in an advisory opinion, that their contemplated action is in contravention of the Constitution:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Request for advisory opinion of Supreme Court as to constitutionality of H. B. 276.

SECTION 1. That the Chief Justice and Associate Justices of the Supreme Court of North Carolina be, and they hereby are, respectfully requested to furnish to the House of Representatives and the Senate an advisory opinion as to the constitutionality of House Bill No. 276, providing that each member of the General Assembly shall be entitled to the same subsistence and the same allowance for transportation as provided by law for State officials and employees.

Urgency of request.

SEC. 2. Inasmuch as the Session of the General Assembly is now approaching its end, it is respectfully requested that this advisory opinion be furnished at the earliest possible time.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

H. R. 1057 **RESOLUTION 22**

A JOINT RESOLUTION INVITING GENERAL DWIGHT D. EISENHOWER TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

General Dwight D. Eisenhower invited to address General Assembly.

SECTION 1. That General Dwight D. Eisenhower is hereby invited to address a Joint Session of the General Assembly, to be held in the Hall of the House of Representatives on Wednesday or Thursday of this week at some hour to be appointed by him to suit his convenience while visiting in the State of North Carolina.

Appointment of committee to extend invitation.

SEC. 2. That a committee of five Members of the House, appointed by the Speaker of the House, and three Members of the Senate, appointed by the President of the Senate, shall extend the invitation to General Eisenhower contained in this Resolution and advise the House and Senate as to whether or not he can accept said invitation, and if accepted, the hour preferred for the Joint Session.

SEC. 3. That this Resolution shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1947.

S. R. 298 **RESOLUTION 23**

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION FOR THE PURPOSE OF MAKING A STUDY AND SUBMITTING RECOMMENDATIONS TO THE 1949 SESSION OF THE GENERAL ASSEMBLY FOR THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE IN THE STATE OF NORTH CAROLINA.

Preamble:

Need for study of administration of justice.

WHEREAS, conditions require a comprehensive study of needed improvements in the administration of justice in the State of North Carolina; and

Creation of commission deemed advisable.

WHEREAS, it is considered advisable to name a representative commission to study the problems involved and the revi-

sions which should be made, and to make recommendations to the next Session of the General Assembly:

Now therefore, be it resolved by the Senate, the House of Representatives concurring:

Creation of special commission to study administration of justice problems.

SECTION 1. There is hereby created a special commission to consist of twenty-three citizens of the State of North Carolina for the purpose of making a thorough study of the problems in connection with the administration of justice in the State of North Carolina, with a view of making recommendations in the form of proposed legislation for consideration by the 1949 Session of the General Assembly. The members of said commission shall be appointed as follows:

Appointment of members.

1. One Member of the Supreme Court of North Carolina to be designated by the Chief Justice of the Supreme Court of North Carolina.

2. One member by the Dean of the School of Law of the University of North Carolina.

3. One member by the Dean of the School of Law of Duke University.

4. One member by the Dean of the School of Law of Wake Forest College.

5. One member by the President of the North Carolina State Bar with the approval of the Council thereof.

6. One member by the President of the North Carolina Bar Association.

7. Two members by the Speaker of the House of Representatives of the 1947 General Assembly from the membership of the House.

8. Two members by the President of the Senate of the 1947 Session of the General Assembly from the membership of the Senate.

9. One member by the Attorney General of North Carolina from his staff.

10. The following members by the Governor of North Carolina:

(a) Two regular Judges of the Superior Court of North Carolina.

(b) Two State solicitors.

(c) Two Clerks of the Superior Court.

(d) Two capable experienced trial attorneys engaged in the practice of civil law.

(e) Two capable experienced trial attorneys engaged in the practice of criminal law.

(f) Two members who are not licensed or practicing attorneys.

First meeting of commission.

The first meeting of the commission shall be called and held in Raleigh, North Carolina, not later than September 1st, 1947. The time and place of the first meeting of the commission shall be fixed by and notice thereof shall be given by the Member of the Supreme Court appointed by the Chief Justice.

Chairman and secretary.

At its first meeting, the said commission shall elect a chairman and a secretary.

Regular and other meetings.

Public hearing.

Notice.

The commission shall hold not less than one regular meeting every six months. The commission may hold such meetings as it may provide for by its rules or by its members. Such meetings may be called by the chairman or by any five members of the commission upon such notice and in such manner as may be fixed therefor by the rules of the commission. At least one public hearing shall be held upon legislative recommendations or proposals prior to the submission thereof to the Governor on or before November 1st, 1948. The commission shall give such notice of such hearing or hearings as it deems proper and appropriate.

Report of commission.

SEC. 2. The commission shall submit its report to the Governor of North Carolina not later than November 1st, 1948. Upon the convening of the 1949 Session of the General Assembly, the Governor shall forthwith transmit to it the report of the commission.

Employment of research director, authorized.

Salary.

Provision for stenographer.

SEC. 3. The commission, by and with the advice, consent and approval of the Governor and Council of State, may employ a research director either full time or part time and fix his salary in an amount not exceeding five thousand dollars ($5,000.00) per annum and also a stenographer or clerical assistant and fix her or his salary, said salaries to be paid out of the Contingency and Emergency Fund.

Compensation of members of commission.

SEC. 4. The members of the commission shall be paid the sum of seven dollars ($7.00) per day and such necessary travel expenses and subsistence as may be incurred to be paid out of the Contingency and Emergency Fund.

Term of service.

Vacancies filled.

SEC. 5. The term of service of the commission herein provided for shall continue until the 30th day of June, 1949. Any vacancies which may occur shall be filled by the individual or official

having the authority to appoint such original member of the commission as provided for by Section 1 hereof.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall become effective June 1st, 1947.

In the General Assembly read three times and ratified, this the 4th day of April, 1947.

H. R. 751 RESOLUTION 24

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO STUDY AND REPORT UPON THE PROBLEM OF PUBLIC-LOCAL AND PRIVATE LEGISLATION BY THE GENERAL ASSEMBLY.

Preamble:

Resolution in 1937 appointing commission to study problem of local and private legislation.

WHEREAS, the General Assembly of 1937 adopted a joint Resolution entitled, "A Joint Resolution Providing for the Appointment of a Commission to Study and Report to the Next General Assembly upon the Advisability of Extending Article Two, Section Twenty-nine, of the Constitution so as to Further Relieve the Legislature of the Necessity of Enacting Special, Public-Local and Private Laws"; and

Membership of commission.

WHEREAS, such a Commission was appointed consisting of Messrs. James A. Bell, chairman, Joseph T. Carruthers, Jr., J. B. Eure, James G. Hanes, Patrick Healy, Jr., Charles M. Johnson and H. P. Taylor, and the Commission submitted a report to the General Assembly of 1939, which contained, among other things, the following:

Report to 1939 General Assembly

"IV. RECOMMENDED ACTION

"A study of this report will at least demonstrate that the problem of local legislation is not a simple one. It requires technical and continuous study for an extended period of time. The Commission, therefore, begs to report as follows:

Study devoted to proposed amendment to Constitution.

"First: That the members of the Commission, since their appointment by the Governor, have given all available time possible to the study of a proposed amendment to the Constitution that would carry out the purpose of Resolution 40 of the General Assembly of 1937, but the Commission regrets to report that they have not been able to devise such amendment as is satisfactory to the Commission, and would, as they believe, successfully accomplish the purpose of the resolution in the restriction of local legislation without possibly invading the liberty and duty of the legislature in matters of proper legislative consideration.

Commission unable to devise satisfactory amendment.

"Second: The study of the problem by your Commission has induced the conclusion that a better approach to the problem of restricting local legislation would be in the appointment of a Commission to codify the subjects of state-wide and uniform interest, such as now embodied in Article II, Section 29, of the Constitution, and in addition to such, the general statutes pertaining to counties and municipalities, crimes and punishments, civil and criminal procedure, schools and education, election and game laws, and such like subjects of general interest and uniform application throughout the state.

Suggested approach to problem.

Commission to codify state-wide subjects and local subjects, suggested.

"Third: That upon the completion of such codification of the general statutes, and the subjects of uniform legislation, an amendment to Article II, Section 29, of the Constitution should then be proposed that would prohibit the General Assembly from the enactment of legislation upon these subjects when and where the power to grant the relief or do the act proposed is delegated or granted under such general statutes, or vested in the counties, cities, or governmental sub-divisions of the state, or any amendments to such general statutes that might be thereafter adopted by the General Assembly applicable thereto.

Following codification, amendment to Constitution proposed.

Nature of proposed amendment.

"Fourth: That your Commission is fully convinced of the great importance of the purpose and intent of the resolution to limit and restrict local legislation, and does earnestly recommend to the General Assembly the appointment of a code commission to codify, or re-codify, the general statutes of the State pertaining to the subjects above mentioned and of like character, together with a new commission to study and work out amendments to the constitution that would eliminate the great body of unnecessary local and special legislation, and at the same time not restrict the powers of the legislature to enact useful and necessary legislation for special and local purposes.

Appointment of code commission recommended.

"Fifth: The Commission will recommend such appropriation for purposes covering the necessary and reasonable expenses in the codification of the laws, and the work of the committee on the constitutional amendment, and is of the firm conviction that the saving to the State in the time and expense of the legislature would many times justify the investment." And

Appropriation for expenses of codification, recommended.

WHEREAS, the recommendations of the Commission have never been acted upon, and a great part of the time of the

Recommendations never acted upon.

General Assembly is still consumed in the consideration of Public-Local and Private Laws;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Creation of Commission on Public-Local and Private Legislation.

SECTION 1. Creation of Commission; membership. There is hereby created a Commission to be known as the Commission on Public-Local and Private Legislation. The Commission shall consist of seven members, who shall be appointed as follows:

Appointment of members.

Three members of the Commission shall be appointed by the Speaker of the House of Representatives from the present membership of the House, two members shall be appointed by the President of the Senate from the present membership of the Senate, and two members shall be appointed by the Governor. All such appointments shall be made as soon as practical after the adjournment of the present Session of the General Assembly.

Duties of Commission.

SEC. 2. Duties. It shall be the duty of the Commission

(1) To make a thorough and complete study of the whole problem of Public-Local and Private Legislation, and in so doing to examine particularly the report of the North Carolina Commission on Local Legislation to the 1939 General Assembly and the recommendations therein contained.

(2) To recommend such general laws covering matters which are usually or frequently embraced in Public-Local or Private Laws as it may deem proper, and to prepare proper bills therefor.

(3) To recommend such an amendment to Article II, Section 29, of the Constitution as will prohibit the enactment by the General Assembly of Public-Local or Private Legislation upon matters which are adequately covered by such general laws and such amendments thereto as may from time to time be adopted.

(4) To prepare such other recommendations with respect to the problem of Public-Local and Private Legislation as it may deem proper.

(5) To submit its report to the Governor not later than December 1st, 1948, for submission to the 1949 General Assembly, the report to include such bills and any such amendment to the Constitution as the Commission may recommend.

Meetings.

SEC. 3. Meetings; quorum; officers. The first meeting of the Commission shall be held upon the call of the Attorney General in Raleigh at such time and upon such notice as he may designate. Subsequent meetings of the Commission shall be held at

such times and at such place or places as the Commission itself may designate. A majority of the members of the Commission shall constitute a quorum. The Commission shall elect its chairman, vice chairman and secretary. The secretary need not be a member of the Commission. Quorum. Officers.

SEC. 4. Vacancies in membership of Commission. If any vacancy occurs in the membership of the Commission, such vacancy shall be filled by appointment by the official making the original appointment, any vacancy in the membership appointed from the House of Representatives to be filled by appointment of another member of the House, and any vacancy in the membership appointed from the Senate to be filled by appointment of another Member of the Senate. Vacancies filled.

SEC. 5. Professional and clerical assistance. The Commission shall have authority, with the approval of the Governor, to employ such professional and clerical assistance as may be necessary for the proper performance of its duties and to fix their compensation. Professional and clerical assistance.

SEC. 6. Compensation of members of Commission. Members of the Commission shall be paid seven dollars ($7.00) a day for attendance upon meetings of the Commission, together with such subsistance and travel allowances as may be provided by law. Compensation of members.

SEC. 7. Payment of expenses. Expenses of the Commission shall be paid from the Contingency and Emergency Fund. Expenses.

SEC. 8. Effective date. This Resolution shall become effective upon its ratification. Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. R. 469 **RESOLUTION 25**

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA AND FOR THE APPROVAL OF APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the Senate, the House of Representatives concurring:

Time and place of joint session of Senate and House to elect University trustees; etc.

SECTION 1. That the Senate and House of Representatives meet in joint session on Thursday, April 3rd, 1947, at 12:30 o'clock P. M. in the House chamber for the purpose of electing trustees of the Greater University of North Carolina and for the further purpose of approving appointments to the State Board of Education.

Effective date.

SEC. 2. That this Resolution shall be in full force and effect from and after April 3rd, 1947.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. R. 1094 **RESOLUTION 26**

A JOINT RESOLUTION AUTHORIZING THE CREATION OF A COMMISSION, TO BE KNOWN AS THE "SIR WALTER RALEIGH DAY COMMISSION," AND EMPOWERING SAID COMMISSION TO RECEIVE VOLUNTARY DONATIONS FOR THE ERECTION OF A MEMORIAL IN THE CITY OF RALEIGH TO SIR WALTER RALEIGH, AND AUTHORIZING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO SET APART A DAY TO BE CELEBRATED IN THE PUBLIC SCHOOLS OF THE STATE, TO BE KNOWN AS "SIR WALTER RALEIGH DAY."

Preamble:

Beginning of movement for erection of memorial to Sir Walter Raleigh.

WHEREAS, a movement was begun in North Carolina in 1901 under the auspices of the State Literary and Historical Association headed by the late General Julian S. Carr and a distinguished committee of patriotic North Carolinians for the erection in the City of Raleigh of a memorial to Sir Walter Raleigh; and

WHEREAS, in said movement a substantial sum of money was contributed by the people of the State for the purpose of erecting said memorial, the contributions coming principally from school children through the observance of "North Carolina History Day" in the public schools of the State, with a program designed to excite and promote the interest of the school children in Sir Walter Raleigh and the Lost Colony of Roanoke Island; and

Contributions of money, principally from school children.

WHEREAS, a part of the funds so contributed was lost by reason of bank failures but there remains now in the hands of the State Treasurer from the funds so collected, the sum of two thousand one hundred ninety-seven dollars nine cents ($2,197.09); and

Funds lost in bank failures.

Certain funds on hand.

WHEREAS, the said movement which had enthusiastically interested thousands of school children from Cherokee to Currituck who had made voluntary contributions of pennies, nickles, dimes and quarters and other citizens who had made voluntary contributions, remains incomplete; and

Movement incomplete.

WHEREAS, it is desirable that the long delayed erection of this memorial to Sir Walter Raleigh by voluntary public subscriptions, including such amounts as may be provided through celebrations, pageants and other freewill offerings in our public schools, should at the earliest possible time be brought to completion:

Completion of memorial to Sir Walter Raleigh, desirable.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That there shall be erected in the City of Raleigh, which was named in honor of Sir Walter Raleigh, a memorial in such form as shall be determined by the commission hereinafter named, the cost of which shall be paid for entirely by voluntary subscriptions and donations from the people of the State, including the school children of the State. The said memorial shall be erected in the City of Raleigh upon such location as may be determined by the commission hereinafter provided for, and shall be of such kind and character as to inspire interest in the history of North Carolina, particularly among the school children of the State.

Erection of memorial to Sir Walter Raleigh, directed.

Location.

Kind and character of memorial.

SEC. 2. That the Governor of North Carolina shall appoint a commission, consisting of twenty-one persons, to be known as the "Sir Walter Raleigh Day Commission." In addition to the twenty-one members appointed by the Governor, the Governor shall be an *ex officio* member and chairman of said commission, and the State Superintendent of Public Instruction shall be an

Appointment of Sir Walter Raleigh Day Commission.

ex officio member and secretary of the said commission. The members of said commission shall serve without compensation and shall provide their own expenses while attending any meetings of the commission which shall be called and held.

Service without compensation.

Authority of commission to receive donations.

Special fund.

Funds on hand transferred to special fund.

Erection of memorial.

Selection of location.

SEC. 3. That the said commission is hereby authorized and empowered to receive all such voluntary donations as may be made for the purpose of erection of the said memorial, all of which shall be deposited with the State Treasurer and held by the State Treasurer in a special fund, to be known as the "Sir Walter Raleigh Memorial Fund." The State Treasurer is authorized, directed and empowered to transfer to the said fund the amount that he now has on hand from collections heretofore made for such purpose, as recited in the preamble hereof. The said commission is authorized and empowered, when sufficient funds have been presented therefor by voluntary subscriptions, to prepare the plans and complete the work necessary for the selection and erection of the memorial in such form as it may think most fitting, and the proper dedication of same upon the completion thereof. The Council of State is authorized and directed to select and provide a suitable location for such memorial.

Celebration of Sir Walter Raleigh Day.

Plan for voluntary donations towards cost of memorial.

Deposit of funds with State Treasurer.

SEC. 4. That the State Superintendent of Public Instruction is hereby authorized and directed to set apart a day in the autumn of 1947 to be celebrated in the public schools of the State and known as "Sir Walter Raleigh Day." That on such day so set apart, the State Superintendent of Public Instruction shall provide the program for celebration of the occasion, including therein such things as will stimulate and promote the interest of the school children of the State in a study of North Carolina history, the Lost Colony of Roanoke Island and Sir Walter Raleigh's connection therewith. That the State Superintendent of Public Instruction, under such plan as may be made by him, is authorized and empowered to permit voluntary donations to be made by school children of the State in such small amounts as they may desire to give for the erection of the memorial contemplated in this Joint Resolution, all of such funds when collected to be paid into the fund in the hands of the State Treasurer hereinbefore provided for.

SEC. 5. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. R. 479 RESOLUTION 27

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE 1947 GENERAL ASSEMBLY.

Preamble: Skill required in drafting bills.

WHEREAS, the drafting of bills requires a high degree of technical knowledge and skill; and

Cooperation and valuable service by Attorney General and staff.

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, and his staff of assistants and secretaries have been most cooperative with the Members of this General Assembly in the preparation of bills and have rendered valuable assistance to the Members of this General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Expression of appreciation to Attorney General and staff for assistance to members of General Assembly.

SECTION 1. That we do express to the said Harry McMullan, Attorney General of the State of North Carolina, T. W. Bruton, Hughes J. Rhodes, Ralph Moody, Frank P. Spruill, Jr., and James E. Tucker, Assistant Attorneys General, and members of the legal staff, Clifton Beckwith, Harry W. McGalliard and Philip E. Lucas; and to the secretarial force, Margaret York Wilson, Lillian Turner, Elizabeth Flournoy, Ruby Thomas, Elizabeth Kelly, Isabel Small, Mrs. Grace H. Baker and Mrs. Robert B. Woodson, our deep, sincere, and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the Members of the General Assembly of 1947 in the preparation and drafting of bills, and otherwise.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. R. 945 RESOLUTION 28

A JOINT RESOLUTION ENDORSING A "HIGH SCHOOL WORLD PEACE SPEAKING PROGRAM" IN THE HIGH SCHOOLS OF NORTH CAROLINA.

Preamble:

Public discussion of proposals for world peace, of great importance.

WHEREAS, it is realized that public discussion of proposals leading to the establishment of a just and adequate system under which the peoples of the world may live in peace by and under law is of primary importance to the world today; and

High School World Peace Speaking Program being conducted.

WHEREAS, a "High School World Peace Speaking Program" is being conducted in the High Schools of North Carolina under the general supervision of The University of North Carolina, which program has for its purpose the stimulating of interest in world peace among the masses of our people; and

Extent of program.

WHEREAS, the said program is being conducted in more than two hundred High Schools in North Carolina this year, thereby reaching thousands of our people; and

Program, non-profit enterprise.

Endorsement of program by various organizations and by Governor.

WHEREAS, the said "High School World Peace Speaking Program" was organized by citizens of North Carolina and is a non-profit enterprise which has been officially endorsed by the North Carolina League of Municipalities, the North Carolina Education Association, the North Carolina State Parents and Teachers Association, the State Federation of Women's Clubs, by many civic and religious organizations and by Governor R. Gregg Cherry:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Commendation of participants in High School World Peace Speaking Program.

SECTION 1. That the General Assembly of North Carolina commends the High Schools of North Carolina, the Extension Division of The University of North Carolina, the school teachers of our State who are participating in and encouraging the said "High School World Peace Speaking Program" and all public spirited citizens who have lent their assistance toward the success of this movement and commends the same to the citizenship of the State and to all peoples interested in an early establishment of a just and permanent world peace.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

S. R. 480 RESOLUTION 29

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE GENERAL ASSEMBLY FOR SERVICES RENDERED BY THE INSTITUTE OF GOVERNMENT.

Preamble:

Recognition of services by Institute of Government to members of General Assembly.

WHEREAS, the services rendered by the Legislative Staff of the Institute of Government, a division of the University of North Carolina, in analysis of bills, preparation of pending calendars, daily report of calendar action and other assistance to

Legislators has been of great value to Members of the General Assembly and to interested citizens throughout the State:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Expression of appreciation to Institute of Government for services.

SECTION 1. That the General Assembly of North Carolina express its sincere appreciation to the Division of the Institute of Government, and to members of the Legislative Staff, for the valuable assistance rendered by them to Members of the General Assembly in the conduct of its business.

SEC. 2. That this Resolution shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. R. 1037 RESOLUTION 30

A JOINT RESOLUTION IN APPRECIATION OF THE SERVICES RENDERED BY THE NORTH CAROLINA STATE GUARD DURING THE RECENT EMERGENCY.

Preamble:

Creation of N. C. State Guard during recent emergency.

WHEREAS, the North Carolina State Guard came into being by virtue of authority contained in an Act of the General Assembly of 1941, being created to meet an emergency resulting from the induction into active Federal service of local units of the North Carolina National Guard; and

Duties assumed and discharged by members, without compensation.

WHEREAS, the duties imposed upon the State Guard during this emergency period were of an onerous and exacting nature, and were assumed and discharged by the various members and units of the North Carolina State Guard in an unspectacular, but nonetheless devoted manner without reward or hope of reward other than the sense of duty well done, and without even that stimulus which comes with more active military service; and

State Guard still in existence.

WHEREAS, although the recent emergency has passed, and with it the need for active duty, the State Guard is still in existence, held in reserve against any remote possibility of further need: *Now, therefore, in appreciation of the service rendered by the North Carolina State Guard, be it resolved by the House of Representatives, the Senate concurring:*

Expression of appreciation for services rendered by members and units of State Guard.

SECTION 1. That the members of the General Assembly of North Carolina, Session of 1947, desire to express by formal Joint Resolution a deep sense of appreciation for the public service rendered by the various members and the several units of the North Carolina State Guard, a service demanding no inconsiderable sacrifice, and offering more opportunity for devotion to duty than for public recognition, and which, while from its very nature inconspicuous, was nonetheless indispensable.

Resolution ordered spread upon Journals.

SEC. 2. That a copy of this Joint Resolution be spread upon the journal of both the Senate and the House of Representatives, and that the Secretary of State be requested to transmit

Copy to Adjutant General of State.

a duly authenticated copy to the Adjutant General of the State of North Carolina, with proper expressions of respect.

SEC. 3. That this Resolution shall be in effect from and after its ratification.

Inthe General Assembly read three times and ratified, this the 5th day of April, 197.

H. R. 703 RESOLUTION 31

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION FOR THE SPECIAL PURPOSE TO STUDY AND INVESTIGATE CERTAIN EXAMINING BOARDS IN THIS STATE.

Preamble:

Existence of 21 separate examining boards in State.

WREREAS, there are twenty-one separate and distinct examining boards in this state which examine applicants for licenses, charge varying fees therefor, grant and refuse licenses, and generally regulate the several trades, professions, and businesses to which they relate; and

Enumeration of boards and laws under which they function.

WHEREAS, the names of such boards and the laws under which they function are as follows: State Board of Accountancy, G. S. 93-12; State Board of Architectural Examination and Registration, G. S. 83-2; State Board of Barber Examiners, G. S. 86-6; State Board of Chiropody Examiners, G. S. 90-190; North Carolina State Board of Chiropractic Examiners, G. S. 90-140; North Carolina Licensing Board for Contractors, G. S. 87-2; North Carolina State Board of Cosmetic Art Examiners, G. S. 18-13; State Board of Dental Examiners, G. S. 90-22; Board of Examiners of Electrical Contractors, G. S. 87-39; Embalmers Licensing Board, G. S. 90-203; State Board of Registration for Engineers and Land Surveyors, G. S. 89-3; State Board of Law Examiners, G. S. 84-24; State Board of Medical

Examiners, G. S. 90-2; North Carolina Board of Nurse Examiners, G. S. 90-158; North Carolina State Board of Examiners in Optometry, G. S. 90-116; North Carolina State Board of Osteopathic Examination and Registration, G. S. 90-130; North Carolina State Board of Pharmacy, G. S. 90-55; North Carolina State Board of Photographic Examiners, G. S. 92-2; State Board of Examiners of Plumbing and Heating Contractors, G. S. 87-16; Board of Examiners for Licensed Tile Contractors, G. S. 87-30; North Carolina Board of Veterinary Medical Examiners, G. S. 90-180; Board of Commissioners of Navigation and Pilotage, G. S. 76-1, 76-3; and

Study and investigation of boards, functions, laws, etc., demanded in public interest.

WHEREAS, due to the wide differences in the manner, methods, practices and laws in and under which such boards function it is thought that the public interest demands that a study and investigation be made of the manner, methods, practices, and laws in and under which such boards function and that a report upon the results of such study and investigation and recommendations with respect thereto be made to the next General Assembly: *Now, therefore,*

Be it resolved by the House of Representatives, the Senate concurring:

Appointment of commission, directed.

Members.

SECTION 1. The Governor of the State of North Carolina be, and he is hereby, empowered and directed to appoint a commission, to be composed of five members, three of said members to be chosen from the membership of the House of Representatives, and two from the membership of the Senate.

Duties of commission.

SEC. 2. It shall be duty of this commission to make a study and investigation of the examining boards named in the preamble to this Resolution, and such study and investigation shall include: (1) A detailed examination of the books and records of such boards to determine the number of applicants for licenses, the number of such applicants who were issued licenses, the amount of fees charged therefor, the total yearly amount of collections and disbursements, and the manner in which and for what purpose or purposes such fees are collected and disbursed; (2) A determination of the number of applicants whose licenses have been revoked and for what cause, the number of persons indicted and/or convicted at the instance of such board for operating without a license or after such license has expired without renewal for any cause; (3) The extent of time such boards take to grant licenses after application and examination, and the number of yearly examinations held by such boards; (4) The broad question as to whether the powers of such boards have been used to suppress competition, and, if so,

in what manner and to what extent such powers have been so abused; (5) To what extent the practices engaged in are or are not in the public interest; (6) To what extent the authority of the board is exercised in promoting the public interest; (7) To what extent the activities of the individual board members with respect to the use of their official powers and authority have been used as an aid in the promotion of their private enterprises; (8) Any other inquiry with respect to the activities of said boards which the commission may deem pertinent to this study and investigation.

Organization of commission.

SEC. 3. The members of the commission appointed under authority of this Act shall elect a chairman from the membership thereof and said chairman or any member designated by him shall have the power to call for and conduct hearings, to administer oaths and affirmations, take depositions, issue supoenas to compel the attendance of witnesses and the production of books, papers, correspondence, and other records deemed necessary as evidence for the purpose of this Resolution, and the said chairman or other member designated by him shall have the power to punish for contempt while the commission is conducting the investigation authorized by this Resolution, as is provided for in Chapter 5 of the General Statutes of North Carolina.

Conduct of hearings; powers.

Power to punish for contempt.

Report of Commission.

SEC. 4. It shall be the duty of the said commission to file a report with the Governor of the State of North Carolina prior to the convening of the Session of the General Assembly of 1949, setting forth findings of fact with respect to the study and investigation authorized by this Resolution, and to make necessary recommendations to the Governor as to the necessity for the continuation of such board or boards and to recommend legislation with the view of amending the existing laws with respect thereto or to the abolishment of such board or boards should it be found that the continuation of such board or boards is not in the public interest.

Recommendations.

Compensation of members of Commission.

Expenses.

SEC. 5. The members of the board appointed under authority of this Resolution shall be paid the sum of ten dollars ($10.00) per day and such necessary traveling and other expenses, including supplies and clerical help, as may be incurred and as may be approved by the Director of the Budget; such per diem and expenses shall be paid from the Contingency and Emergency Fund.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. R. 1015 **RESOLUTION 32**

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED TWO THOUSAND FIVE HUNDRED COPIES OF CHAPTER 358, PUBLIC LAWS OF 1939, AS AMENDED BY THE GENERAL ASSEMBLIES OF 1941, 1943, 1945, AND AS FURTHER AMENDED BY THE ACTS OF THIS GENERAL ASSEMBLY, AND OTHER PUBLIC SCHOOL LAWS, INCLUDING PUBLIC SCHOOL LAWS ENACTED BY THE GENERAL ASSEMBLY OF 1947, AND PROVIDING THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Resolved by the House of Representatives, the Senate concurring:

Printing of Public School Laws, directed.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed to have printed twenty-five hundred (2,500) copies of Chapter 358, Public Laws of 1939, as amended by the General Assemblies of 1941, 1943, 1945, and as further amended by the Acts of this General Assembly, and other public school laws including public school laws enacted by the General Assemblies of 1945 and 1947, and to be distributed by the State Superintendent of Public Instruction.

Distribution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1947.

H. R. 1127 **RESOLUTION 33**

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON SATURDAY, APRIL 5TH, 1947.

Resolved by the House of Representatives, the Senate concurring:

Adjournment of General Assembly, sine die.

SECTION 1. That both the Senate and House of Representatives, constituting the General Assembly of 1947, do adjourn *sine die* on Saturday, April 5th, 1947, at nine o'clock P. M.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

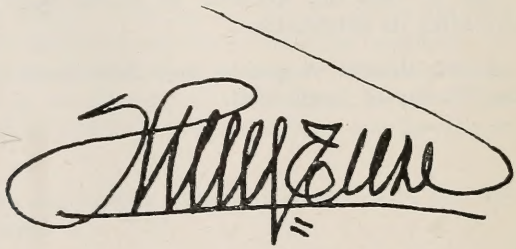
In the General Assembly read three times and ratified, this the 5th day of April, 1947.

STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE.

RALEIGH, MAY 26, 1947.

I, THAD EURE, secretary of State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State.

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